

Supreme Court, U. S.  
**FILED**  
DEC 30 1976

MICHAEL RODAK, JR., CLERK

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**APPENDIX**

**SUPREME COURT OF THE UNITED STATES**

**October Term, 1976**

**No. 76-447**

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**WILLIAM G. MILLIKEN, et al,**

**Petitioners,**

**v**

**RONALD G. BRADLEY, et al,**

**Respondents.**

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**ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE SIXTH CIRCUIT**

**PETITION FOR CERTIORARI FILED**

**SEPTEMBER 28, 1976**

**CERTIORARI GRANTED NOVEMBER 15, 1976**

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

<b>RONALD BRADLEY, et al,</b>	<b>Civil Action</b>
<b>Plaintiffs,</b>	
<b>v</b>	<b>No. 35257</b>
<b>WILLIAM G. MILLIKEN, et al,</b>	
<b>Defendants.</b>	

**RELEVANT DOCKET ENTRIES**

**1974**

**Dec 26 519** Mandate from C.C.A. remanding case back to U.S. District Court for Eastern District of Michigan for further proceedings in conformity with the opinion of Supreme Court

**1975**

**Jan 7 520** Order re that case is assigned to Judge DeMascio, filed and entered. 1/6/75

**13 522** Order for status report, filed and entered

**31 524** Order re pre-trial set for Feb. 18/75 at 2:00 P.M., etc., filed and entered

**Feb 12 530** Answers of the plaintiffs and the Detroit Board of Education, the defendants Milliken, et al, and the Detroit Federation of Teachers and Citizens Committee for Better Education to Request of Court for a Joint Status Report; attachments; and certificate of service

**19 542** Answers of the plaintiffs and the Detroit Board of Education, the defendants Milliken, et al,

and the Detroit Federation of Teachers and Citizens Committee for Better Education to Request of Court for a Joint Status Report— supplemental answer of Detroit Board to Question No. 9 of Joint Status Report with certificate of service

- Mar 5 550 Plaintiffs motion for leave to file second amended complaint with proposed amended complaint and brief
- 12 553 Order re pre-trial set for April 21/75 at 2:00 P.M., etc., filed and entered
- Apr 1 573 Plaintiffs' desegregation plan for the assignment of pupils 1975-1976 Detroit Public Schools
- 1 574 Plan for desegregation of the Detroit School District within City Limits of Detroit submitted by defendants Board of Education of the School District of the City of Detroit, et al
- 15 587 Order re appointment of experts for and on behalf of the court; that evidentiary hearings on the Detroit Board of Education desegregation plan shall commence at 9:00 A.M. on Tuesday, April 29/75, etc., filed and entered
- 21 591 A critique of the desegregation plan filed by the Detroit Board of Education submitted by the Michigan State Board of Education and the Superintendent of Public Instruction with letter and certificate of service
- 21 592 Objections of defendants Governor, Attorney General and State Treasurer to the desegregation plan filed by defendant Detroit Board of Education with certificate of service
- 29 594 Plaintiffs' second amended complaint with certificate of service and letter attached

- 29 — Hearings begin. Adjourn to April 30/75 at 9:00 A.M.
- May 2 601 Plaintiffs' motion to require purchase of transportation equipment; certificates (2) of service; and notice of hearing
- 8 607 Response of Detroit Board of Education to plaintiffs' motion to require purchase of transportation equipment
- 9 609 Response of defendants Milliken, et al, in opposition to plaintiffs' motion to require purchase of transportation equipment
- 21 612 Memorandum opinion re acquisition of transportation, etc., filed and entered
- 21 613 Order for acquisition of transportation, filed and entered
- 23 615 Notice of appeal by defendants from the order for acquisition of transportation equipment
- June 12 621 True copy of order from C.C.A. affirming order of the District Court requiring the acquisition of school buses, etc., with letter attached
- 23 630 True copy of order from C.C.A. re order for acquisition of transportation with attachments
- 27 638 Order re acquisition of vehicles and the necessary drivers, etc., filed and entered
- 27 — Court hearings continued. Closing arguments concluded.
- Aug 15 652 Memorandum opinion and remedial decree, filed and entered
- 15 653 Partial judgment and order, filed and entered



Aug 18 654 Supplemental memorandum and order, filed and entered

25 658 Notice of Appeal by plaintiffs

28 665 Order [Teacher Reassignment], filed and entered

Sep 17 694 Notice of Appeal by the Detroit Federation of Teachers. Rec. #07733-\$5.00 Rec. #07731-Bond-\$250.00

26 707 Notice of Appeal by defendant Detroit Board of Education from the order entered Aug. 28/75

Oct 8 719 Memorandum and order [Acquisition of additional 100 buses], filed and entered

28 739 Notice of Appeal by the Board of Education of the City of Detroit, et al

Nov 4 745 Memorandum and order, filed and entered

14 750 Copy of true copy of denial of petition for a writ of certiorari by the U.S. Supreme Court

20 753 Judgment, filed and entered

**1976**

Mar 12 — Court held an in-chambers conference (4 hours)

23 811 Stipulation by defendant Detroit Board of Education and defendant State Board of Education with respect to the establishment of vocational education centers with exhibits

Apr 29 814 Memorandum and order setting petition seeking a temporary restraining order and preliminary injunction of the Detroit for hearing on May 7/76

29 815 Order adding Michigan Department of Corrections, and its director Perry Johnson, and the

Michigan Commission of Corrections and its members Florence Crane, G. Robert Cotton, B. J. George, Thomas K. Eardley, Jr. and Duane L. Walters and The Salvation Army of Michigan as parties defendant for the limited purpose of providing court with an opportunity to fashion a complete and effective remedy

29 819 Petition of the Detroit Board of Education for temporary restraining order and preliminary injunction and to add parties defendant with affidavits (parties already added—see 815)

May 7 — Hearing on petition for turnover order and preliminary injunction re the acquisition of the Evangeline Home—hearing continued to May 18/76 at 9:30

11 825 Memorandum, order and judgment with appendix, filed and entered

11 826 Judgment re to continue monitoring services, etc., filed and entered

May 17 831 Notice of Appeal by D-O of memo and order and final judgment entered on May 11/76

21 — Hearing continued, concluded

26 835 Notice of Appeal by defendants Board of Education of the City of Detroit, etc., of Order and Judgment and Judgments entered by the District Court on May 11/76 with certificate of service

June 25 897 Memorandum and order re that defendant Detroit Board of Education present an injunctive order, etc., filed and entered

July 1 903 Motion of defendants Milliken, et al, to stay May 11/76 Judgment pending decision on ap-

peal; exhibits; certificate of service; and notice of hearing before Judge DeMascio on July 19/76 at 9:00

- 8 904 Permanent injunction re that "the state and added defendants, their agents, attorneys, successors, employees and assigns, hereby are forever enjoined from purchasing, leasing, renting or otherwise using the Evangeline Home as a correctional institution", filed and entered
- 14 907 Notice of Appeal by defendants William G. Milliken, Governor of the State of Michigan, et al, from the Permanent Injunction entered on July 8/76
- 15 911 Affidavit in support of stay motion—affidavit of Robert N. McKerr, Associate Superintendent for Business and Finance within the Michigan Department of Education—with certificate of service
- 19 — Motion/stay order of May 11/76 taken under advisement
- Aug 3 916 Memorandum and order denying defendants' motion for a stay, etc., filed and entered
- 6 921 Notice of Appeal filed by The Salvation Army
- Sep 8 933 Mandate from C.C.A. remanding case to District Court for further proceedings
- Oct 6 936 Motion of the Detroit Board of Education to compel state defendants to comply with this Court's order of May 11/76; affidavit; and certificate of service

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

<b>RONALD BRADLEY, et al.,</b> <div style="text-align: right;"><b>Plaintiffs,</b></div> <div style="text-align: center; margin: 10px 0;">v</div> <b>WILLIAM G. MILLIKEN, Governor</b> <b>of the State of Michigan, et al.,</b> <div style="text-align: right;"><b>Defendants.</b></div>	<b>No. 35257</b>
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**EXCERPTS FROM TRANSCRIPT OF  
PROCEEDINGS—REMEDY HEARINGS**

**TUESDAY, APRIL 29, 1975  
(Vol. I)**

DR. CHARLES WOLFE, having been duly sworn

• • •

(Direct Examination by Mr. Roumell)

[Vol. I 72] Q. Dr. Wolfe, do you have an opinion as to the need of these educational components in the plan? A. I feel that the educational components are certainly a major part and a very necessary part of the plan.

Q. And why is that? A. The further desegregation of the system as it is outlined in this plan will uproot from their current school locations, a great many students. I think we're all aware that there is a great community interest in anything that happens here in terms of our school system. This is the system that I think, to some degree, comes under some un-

deserved criticism as to the quality of its educational offering, although I can understand the problems in correct appraisal of that. The system has certainly undergone several years of almost constant crisis. If we were now to add one more component to the burdens of the system, I think the affect could be unfortunate for the immediate delivery of educational services, and I would feel that very obvious moves to improve the quality of the education we offer those children would be exceedingly helpful in making the desegregation plan work. I should also point out that most regretfully, I have had to hold the financial line on assisting our teachers and our administrators in the school, in the classroom [73] throughout my tenure. We have had to move to a balanced budget. We have not been able to implement many of the needs of the system. We have cut back consistently for five years. In fact, as I pointed out, the last two years we have not only affected cuts, many of the areas where we have not spent money have simply been postponements of funds that will have to be spent eventually anyhow. In short, what I'm saying is that I think in order to make a massive change in the system such as proposed by any of the desegregation plans, we need at the same time, to most obviously and openly move to improve the quality of education.

Q. Let me ask you this question. Are you telling this Court that unless the quality of education is improved that the desegregation plan cannot work? A. It will certainly be enormously more difficult to make it work.

Q. Doctor, you mentioned some burdens that the system has had in recent years. Are you referring to financial burdens? A. That is the primary one.

Q. By the way of background, could you explain that to the Court and to the Commissioners? A. Yes. When—and I'll make it very brief. When I came on [74] this job four years

ago, the system was operating under a burgeoning deficit. By the time we got a handle on it with the help of citizens of this community and the legislature, it had grown to approximately 75 million dollars.

Q. Out of a budget of how much? A. At that time, about 250 million. We simply couldn't handle that. We came, actually in '73, within four days of being unable to meet a payroll when we got assistance from the legislature in the form of allowing the Board of Education to tax the people of the City of Detroit, without a vote of the people to do two things. One, to retire the deficit, or at least to finance the deficit, and the other to have a substitute income for a failed millage to continue the operating of the school system. Actually the system today is collecting two more mills in taxes than we collected in 1966, which is about 13 million dollars. Were it not for increases in the proportion of State aid over these recent years, we wouldn't be open today.

. . .

[75] Q. Does the system have the resources at the present time to pay for that cost? A. No, we don't.

. . .

(Cross Examination by Mr. McCargar)

[121] Q. Thank you. Now, at the present time, at what rate of taxation is the Detroit Board of Education levying for school operating purposes? [122] A. At about 24.76 mills.

. . .

THE WITNESS: We're levying 24.76. We get credit for the mills that levied for the return of [123] the deficit in terms of the credit for State aid.



THE COURT: Yes. You said the State average was 26.15.

THE WITNESS: Yes.

. . .

[125] Q. Understandably so, yes. Now, can you tell me why the Detroit Board of Education is not levying at, offhand, the same rate as the State average for school districts if it is in need of financial assistance? A. We would very much like to and we have tried without success. I think I must point out that the city, itself, has a very high tax rate, about 84 mills, far in excess, I believe, of any other community. The taxpayer has difficulty subtracting, or differentiating between that which is the cost to him for education and that which is the cost to him for his total tax bill, having the opportunity to vote on the tax for education. We have tried six times in my tenure for a millage vote. We lost four of them. We won two, but I'm sure the reason we won those two, which by the way were for replacements of expired millages, was because in the one case, we said we would eliminate the income tax, which had been given us. And in the second case we indicated from the legislature that if that were successful, we would lose the power to levy an income tax.

. . .

(Redirect Examination by Mr. Roumell)

[134] Q. Dr. Wolfe, were there any factors that caused the income of the Detroit Board to go down during the period from 1965 to 1974? [135] A. Yes. Well, a good deal of it happened just prior to that. During the decade of the 60's, the reduction in the assessments on property in the City of Detroit were reduced to the 50 percent level. This was over a period of a decade. And the tax that had been suggested for the City of Detroit by the earlier so-called Romney study which was

adopted by the Board, the tax laid and passed in that early millage simply then, under the reduced assessment, did not reduce the money that was necessary. The loss during the 60's was approximately 92 million dollars.

Q. 92, and you were in deficit 75? A. Yes, sir.

Q. And is it a fact that this loss was caused by the tearing down of buildings in Detroit? A. That was part of it. The expressway construction, but reduced assessments too.

Q. Were there any other factors? A. Well, we had, a decade of inflation that increased toward the close of the time before we got a handle on the deficit.

Q. And is it true that several years ago, the Michigan Supreme Court ordered you to buy books and material for all children? A. Yes, sir. There were a number of such things. The sudden order that we had to provide textbooks free to all students [136] started at about a cost of about 4 million dollars to us. Up to that time, most high school students had been purchasing their own books. Since that order, we have provided all of them. The increase in the cost of textbooks over the last half dozen years has been phenomenal.

Q. And we're talking about 261 thousand children? A. This year and for the four years prior to that we had about 295 thousand children five years ago.

Q. Then, Dr. Wolfe, unlike the statement of counsel, the Attorney General, the reason why you got this deficit was because of the drop in assessed evaluations and outside factors such as the Supreme Court decision that caused a drain on the fund raising abilities of the system, is that correct? A. That is correct.



Q. And Dr. Wolfe, would you say it's common knowledge that particularly in the last year we have had an extremely high rate of unemployment in the City of Detroit? A. Yes, we have.

Q. Would this have a bearing on the ability to vote millage, in your opinion? A. It certainly would because the income of average citizens in the City of Detroit convinces them, I believe, that they can't afford more expenditures. And this is one they [137] get a chance to vote on.

. . .

(Recross Examination by Mr. Atkins)

[142] THE WITNESS: In the development of the plan, we were very concerned about the educational components of the plan. We put together the plan with those educational components in. So, I'd have to answer it at this time, I haven't tried to set a priority on those components. Very seriously, I'd have to give—if that is what your question is to me, which would you prioritize, I would have to give that some very careful thought and as to which ones I felt we could drop from the plan, I'm not prepared at this moment to say that we would put any in there that we didn't attach great importance to in terms of making this a workable, viable plan.

. . .

CORNELIUS L. GOLIGHTLY, having been duly sworn

(Direct Examination by Mr. Roumell)

[Vol. I 177] Q. Well, Dr. Golightly, if these educational components were not included in the plan, you feel that a desegregation plan would come of Detroit? A. The point is if they are not included in the plan, you'd have simply an

empty form of obeying a Court Order to move the black and white children around without bringing anybody into anything. You see the whole question is what do you do with a black school system when you say, we'll move them around. I'm not anti-busing. I believe in integration. I believe in desegregation, I believe very strongly that you must desegregate. But simply to say that any school system that is now somewhere in the neighborhood of 71-29 to simply move them, nothing would be gained. There are not enough to go around. I think if you had enough to go around, then you might move them. But to me, just the sheer movement creates a turmoil without any concerting factor. . . .

. . .

[184] Q. Doctor, would it be fair to say that based upon your experience as the only black member of the Milwaukee School Boards, as a minority member of the Detroit Board, and now a member of the majority and as President of that Board, as an educator in your own right, one who has been engaged in inspecting colleges, as one who has been deeply committed to the Civil Rights movement in this country, do you believe that this is a plan that is practical and can work now and hereinafter, and is viable. A. I do.

WEDNESDAY, APRIL 30, 1975

(Vol. II)

DR. CORNELIUS L. GOLIGHTLY (continuing)

. . .

(Cross Examination by Mr. McCargar)

[Vol. II 40] Q. Dr. Golightly, you testified on direct-exam-

ination that the State has not given us our fair share in terms of money? A. Yes.

• • •

THE WITNESS: Yes, speaking not as a financial expert, but simply as the president of the Board of Education that goes to the State and we realize we receive our aid from the State, there is a formula which I am sure is well known to you and others, by which money is allocated to the children in each school district. And the constitution of the State of Michigan says it is the State's responsibility for the education of the children. Now we in Detroit are paying somewhere in the neighborhood [41] of about 80 mills, and that 80 mills, or something like 24.76 goes for the education of our children. Now, some of that money is equated with other moneys that come to it, but the point that is very clear is that we have neighboring areas in which their total taxes might run to only 60 mills and they might give 35 of those mills to education. We in Detroit subsidize heavily the suburban area in terms of transportation, in terms of water, in terms of police protection, in terms of health facilities, in terms of the fact that Wayne State University sits in the middle of the City and everybody from miles around comes to it. This is what I mean when I say the State has never, in terms of let's say, fully funded the municipal overburden. We have not had our fair share of funds. I don't know what the real figures are and how you work it out. • • •

• • •

WEDNESDAY, MAY 7, 1975

(Vol. VII)

ALFRED M. PELHAM, having been duly sworn

• • •

(Direct Examination by Mr. Roumell)

[Vol. VII 82] Q. Mr. Pelham, is there an organization known as the Task Force for Education in the City of Detroit?

A. There is, it is called the Detroit Education Task Force. It has been in existence since January, 1973.

Q. Could you tell us what your connection is, if any, with that task force? A. I am serving as one of three co-chairmen with Stanley Winkleman and Dr. Ethelene Croquette. The Task force is made up of about 60-odd members in addition to the co-chairmen.

Q. Can you tell us what the function of the task force is? A. It came into being actually by appointment of the Detroit Board of Education in the latter part of 1972 at a time when the Detroit School system was facing a very serious financial crisis with a threat that schools might be closed by March 31, the following year, that is March 31, 1973. The Board was confronted by what was in their context a staggering deficit which earlier was estimated at about \$75,000,000. Actually it turned out to be in the area of \$68,000,000.

[83] Q. In the area of finances did the task force consult with the Detroit Board of Education on finances? A. The first task we confronted, as I have indicated, was to help in resolving this eminent crisis and steps were taken immediately to confront their problem as a result of which with the assistance from others we were able to secure from the State Legislature the passage of Public Acts One and Two of 1973 which provided the bases for the resolution of this crisis by authorizing the Board to levy a two and a quarter mill tax to fund this deficit, to levy up to one mill income tax to provide funds for the following fiscal year to fend against the recurrence of the crisis. We provided for the advancing of certain monies immediately to provide the cash necessary to keep the school



system open and it set up certain conditions which had [84] to be followed subsequently by the Board in assuring the balance of their future budgets.

Q. As a result of Public Acts One and Two of 1973?  
A. Right.

Q. Does the Detroit Board presently levy 2.25 mills for the purpose of retiring the debt? A. Yes, this was ordered and the Board acted immediately upon the organization to levy this tax. Bonds were issued to repay some of the advances and bonds were issued with the security of the 2.25 mills which are currently being levied and the debt will be paid we expect in about seven years.

. . .

[85] Q. You just testified that the Detroit Board is projecting it will need \$28,000,000 more next year than it is receiving this year? A. That is correct.

Q. Is that for operating expenses? A. That is exclusively for operating expenses. I might add that gratuitously it provides for a level of operation substantially the same as that of the current fiscal year level.

Q. Based upon your knowledge of the Detroit School system, based on the present State aid, could you tell us whether or not in your opinion the system can absorb any more costs?  
A. It cannot absorb any additional costs. As a matter of fact [86] without this \$28,000,000 which they are requesting they will not even be able to continue the present level of operation.

Q. You are talking about operations as they are going on in 1974-75 school year? A. That is correct.

. . .

Q. There is a suggestion in that report that the Detroit School District could levy additional millage. Do you have an opinion as to the ability of the Detroit School system to levy additional millage at the present time? A. The Detroit School District does not have the power to levy additional millage without a favorable vote on additional millage by the electorate of the City of Detroit. It cannot unilaterally levy such millage. As a matter of fact, last fall the Detroit Board did seek to increase the millage by a vote of the people and that was turned down by the electorate. My judgment is that at the present time having been turned down when economic conditions were substantially [87] better in the City of Detroit than they are now that for that and other reasons it would be totally unlikely that a favorable vote on additional millage could be secured. Added to that is the fact the City of Detroit is currently levying the highest tax burden against its citizens of any city in the State by a considerable amount, as a matter of fact, at a ratio of about three to one in relation to the 20 other largest cities in the State of Michigan.

. . .

[88] Q. You have indicated that your committee has made some recommendations concerning the membership formula?  
A. We have.

Q. Mr. Pelham, is this membership formula as a result of the so-called Bursley Bill? A. It's frequently referred to as the Bursley Bill. It is the current legislative act which provides for provision of State aid for the elementary-secondary education in the State of Michigan.

Q. It was passed about two years ago, the basic formula?  
A. That is correct.

Q. Does that Bursley Bill provide a section that is sometimes known as power equalizing? A. The methodology

used in the distribution of school aid under the general membership formula is generally known as the power equalizing plan.

Q. Could you explain what the plan is and how it works now? Explain what is the power equalizing methodology and how it works now in Michigan. A. The power equalizing plan is designed to provide a more uniform flow of state revenues to the various school districts in the State of Michigan in respect to which the state equalized value per capita or per pupil are widely variant with the result that districts get a lower tax yield if they have a [89] lower state equalized value base and to fend against this inequity power equalizing establishes a so-called SEV guarantee or State Equal Value guarantee at a certain level per pupil. In the current year that guarantee is \$39,000 and in the current bill it is applied against a maximum of 25 mills.

Q. What does that mean? A. That means in brief that the total amount of State aid per student is determined by multiplying 39 by 25, 39 being the amount per thousand that applies to this millage. It is actually 39,000 multiplied by .025, but for the sake of simplicity this equates to 39 per thousand, so you can multiply 39 by 25 and the maximum guaranteed yield for the current year is 975.

Q. So if a school district levies 25 mills in the State of Michigan they will be guaranteed 39 per thousand? A. For 25 mills or a total of 975 per pupil regardless of what their particular state equalized valuation per student may happen to be. The State under this formula, therefore, makes up the difference between that yield in any particular school district as applied to their state equalized value up to a guarantee of \$39,000 per student.

Q. Let's explore that a little bit. Is it not true, Mr. Pelham,

that in some communities like Woodhaven, Michigan the state [90] equalized value would be extremely high because of the concentration of industry in that community? A. That is correct. There are certain school districts, if the state equalized valuation per student per pupil exceeds \$39,000 that would mean that that school district would get no state aid under the general membership formula. It varies in relation to the state equalized valuation per pupil.

Q. In Detroit what has happened to the state equalized value? A. In Detroit our state equalized value has been decreasing very dramatically over the period of the last five years. Let me put it a different way, it has not been increasing as rapidly as has the state equalized valuation for the rest of the state. In the 1974-75 fiscal year the equalized value per pupil was 22,070. It is estimated in the 75-76 fiscal year it will be \$22,950 but I have here some charts that show very graphically the variations between the trend of state equalized value in the rest of the state and the City of Detroit. Here is one which shows a grand total property value for the State of Michigan and here it is for the City of Detroit. This starts with 1965-66 and goes through 1973-74. You can see the rate of escalation for the State and you can see for the City of Detroit it has remained relatively static.

• • •

[91] Q. Could you tell us for the record what the cause, if any, has been for, as you say, the stagnant condition of the Detroit equalized value? A. It has meant that the yield per pupil until the power equalizing formula came into being was constantly declining. The power equalizing does fend against this impact in that it guarantees the \$39,000 or \$39 per thousand for 25 mills for every school district in the State of Michigan.



Q. Mr. Pelham, could you tell the Court if you have an opinion as to why the Detroit state equalized value is remaining constant? What factors are involved? A. It's not remaining exactly constant, it is increasing slightly. As a matter of fact, it will go up slightly this year from \$22,070 per pupil to \$22,950. Part of the reason for that is, of course, that it is applied against a smaller number of [92] students to the actual increase is not as sharp as would be indicated by that kind of increase in SEV. The reason has been that for many years there has been an outflow from the City of Detroit to suburbia not only of individuals but of industry and in the case of industry it is related to the changes in industrial technology which requires a different type of plant, large square footage area plants on a single level rather than on a multi-story level. The space has not been available in the City of Detroit to provide for such plants so that as the older plants in Detroit deteriorated it became necessary to replace them and there was an exodus of industry out of the City of Detroit. The exodus of people from the City of Detroit has also brought an exodus of certain commercial institutions into the suburban areas of the metropolitan area and, of course, this in combination has had a very serious impact upon the City of Detroit as have a number of other factors including the huge amounts of acreage that have been carved out for the construction of expressways and the unfortunate experience that Detroit has had with the urban renewal housing where much of this has deteriorated and as buildings have been demolished they have gone off the tax rolls. These factors in combination are the reasons why Detroit's SEV has not increased in contrast with the rest of the State of Michigan.

. . .

[95] Q. To summarize then the 22.51 brings us about \$916 local and state aid? A. Right.

Q. If we had the benefit of the 2.25 for operating ex-

penses rather [96] than debt retirement we would have another \$45? A. Right, and if we had the additional .24 of a mill to bring us up to the full 25 mills it would mean an additional \$14.66 per pupil which would then mean we would be getting the full \$975.

Q. As matters now stand we get \$916? A. Per student, right.

. . .

[99] Q. Mr. Pelham, there is one other [100] figure and while we are on it I would like to have you point out on page 1 to the Court and Commissioner and to all here, I notice that the second column, there are two columns, let's look at the second column. It says total municipal millage equivalent, do you see that column, sir? A. Yes, I do.

Q. Next to Detroit how many mills are listed? A. 84.83 mills.

Q. Will you explain to the Court what that figure is, what does it constitute? A. It's made up of four major components. It includes the county tax at 7.07 mills. It includes the school millage which includes intermediate and community college millage of 28.14 mills. It includes Detroit property taxes of 30.16 mills, and it includes non-property taxes, income and excise equated into millage at the rate of 19.46 mills.

Q. That would include the tax on your public utility bills in Detroit? A. That's correct.

Q. You are telling the Court that the citizens living in the City of Detroit pay a total equivalent of 84.83 mills? A. That's correct.

Q. Including school tax? A. Including school tax.

. . .

[101] A. There are 15 other cities in the state which do levy an income tax.

. . .

Q. Looking at the total municipal equivalent on page 1, you have identified Detroit as 84.83. What is the next highest total municipal millage equivalent on that chart? A. Grosse Pointe with 56.46.

Q. Bloomfield Hills with 58.85? A. Pardon me, I missed that one, Bloomfield Hills 58.85 is the highest.

Q. Southfield has 49.54, is that correct, on that chart? A. That is correct.

Q. Rochester has 47.26? A. That's correct.

Q. Southfield with 49.54, their levy is 27.53 for school operating? A. Yes, and that is included in the 49.54.

Q. I would like to have you look at pages 2, 3 and 4 of the document and after you have examined the same could you tell the Court whether there is any other community that has as high [102] an equivalent millage as the citizens of the City of Detroit? A. Well, I don't have to examine it, I know that to be the case but this document demonstrates that. The nearest one to it is the City of Highland Park, I believe, at 82.83. I think it might be interesting to point out to the Court that the average for the entire state is 54.52 mills as against Detroit's 84.83 mills.

Q. So the average in the State of Michigan throughout our State including school tax, municipal tax, county tax that citizens pay is 54.52? A. Yes.

. . .

Q. As a factual basis isn't it a fact that in the State of Michigan as an absolute figure the citizens of the City of Detroit pay more millage than any other city? A. That is correct.

. . .

[103] Q. Those of you who are in public finance, is there a name that you apply to what I have been discussing the last few minutes with you? A. There is a name for the differential and this is normally referred to as overburden.

Q. Municipal overburden? A. Yes.

Q. Would you explain to the Court and to the Commissioner and myself and others what this means? A. Overburden, absolute overburden is the difference between the total property tax levied and I would like to make this distinction because the overburden as it is formulized for participation and overburden aid in the State is limited only to property taxes, so this would mean for the purposes of identifying municipal burden for statutory purposes it is a difference between the average levy of property taxes for the entire state as against the amount of taxes levied in any particular community which exceeded that and the difference between the two would be referred to as overburden. [104] For the purposes of the granting of overburden by the State, however, they allow overburden only in excess of 125% of the State average.

Q. This municipal overburden that we speak of and which has been demonstrated by Exhibit 30, do you have an opinion as to what affect, if any, it has on the ability of the citizens of Detroit to absorb any additional tax burden? A. I certainly have an opinion and I think it is pretty largely borne out by experience and by public attitudes that the tax payers of the City of Detroit feel, and I think we feel quite properly, that there is being levied against them a total tax burden which



is as high as or higher than they can afford to pay. The result is when the School Board which doesn't participate proportionately in this goes to the electorate seeking additional millage they are normally rebuffed. The only successful millage campaign we have had in the City of Detroit recently was, in my judgment, successful only because it was a substitute of a seven mills of property tax for the one percent income tax. I can't vouch for the fact it would not have passed otherwise but I know this was the issue which was made by those seeking its passage was to indicate that this was a replacement of another existing tax and it did pass but four recent elections that have been held [105] other than that, all three of the others failed and it is, in my judgment, in large measure because of the very heavy tax burden already being borne by the taxpayers of the City of Detroit.

Q. Turn to page 1 of Exhibit 30. When I look at the City of Birmingham I note that the district is directing 32 mills for operating expenditure but that the citizens in Birmingham are only paying a total municipal millage equivalent of 55.85. Is it fair to conclude that although the school district is getting a larger proportion of the millage the Birmingham citizens have a less tax burden than the Detroit citizens? A. Substantially so because if you deduct the school millage from the Birmingham total you come out with 23.82 mills which is for all other purposes, whereas if you do this with the City of Detroit you come out with 62.32 mills for all other purposes.

• • •

A. • • • As a matter of fact for the 20 largest cities in the State of Michigan the average city tax for all purposes, this includes both property and excise income tax or utility tax, the average for all Michigan cities is 15.90 mills. The average [106] for the 20 largest Michigan cities is 16.19 mills and the figure in Detroit is 49.62 mills. This excludes school tax and

county tax. In other words, Detroit is paying more than three times as much as the average for all Michigan cities and the average for Michigan's 20 largest cities.

• • •

[108] A. To explain these differences we examined the facts. The first fact that came to our attention was the fact that our per capita state equalized valuation in Detroit is 50% lower than the average for all of the 20 large cities in Michigan. In other words, if we had an equalized valuation at that average level that we could get the same yield from our property tax by levying 10 less mills because of the fact our state equalized value is lower than the average for the 20 cities, we examined per capita yield from city income taxes and for the other 15 cities that levied income taxes we found that our per capita yield was substantially lower and that if we were to levy our income tax with the assurance of an equivalent per capita yield we would get about \$31,000,000 more which is the [109] equivalent of about 5.30 mills. We examined certain services which are not common services in the other cities. The City of Detroit is the only city that maintains a full health department activity and the amount expended on this equates to 2.45 mills. We are not only the only city that operates a hospital although only very few of them do, but those others that operate hospitals are not providing any significant municipal subsidy. In the City of Detroit we are subsidizing the operation of the Detroit General Hospital to the tune of about 1.86 mills. There are certain functions of government which are not common to any of the other cities. The maintenance of an art institute and a zoo and historical museum which are all largely used by the residents of the entire southeastern area, there are a few cities with a civic center but none of the magnitude of ours. We subsidize our transit system and pay certain expenses of the Recorder's Court. These equate to about 3.10 mills. Actually our per

capita expenditure for police exceed the 20 city average by nine and a half mills and it might be asked what accounts for or what justifies this differential but in that connection I would point out to the Court that while this is true in relation to these cities in [110] Michigan which are all relatively small the per capita expenditure for police, fire and sanitation, and you will notice the next figure here is for sanitation, where we exceed the average by about 3.10 mills, the Detroit's per capita expenditure, police, fire and sanitation is \$1.09 per capita and this is exactly the same to the dollar as all American cities in the United States with a population of over 1,000,000. So it is apparent that costs for certain services are a function of size for various reasons including the economy scale, the spread of territorial area to be covered, the concentration of population, the constitution of population, but an examination of figures which were published by the United States Bureau of Census, city government finances in 1972-73, tables 4 and 5, it is easy to note that police costs for one are a function of size. In cities of less than 50,000 the per capita cost is \$23. When you get up to cities of 300,000 to 500,000 this jumps from 23 to 34. Between 500,000 and a million it jumps from 34 to 48, and in all cities over a million it jumps to \$63 per capita. It is also interesting to note that the cost of education is a function of size and there is a very sharp incline in the cost for education between cities of less than 50,000 until you get to cities of over a million. What accounts for this phenomenon I can't explain in detail.

. . .

[117] A. We recommend an SEV guarantee of \$44,000 with maximum millage at 25 mills which is the current level. I might explain, if you wish, part of the rationale for that: 1, in its recent action to increase the income tax there was agreement between the Governor and the state legislature that in consideration—

MR. McCARGAR: I will object to that and move to strike it. How does he know what agreement there was between the governor and state legislature?

THE COURT: It might be a public record, Mr. McCargar. How do you know?

A. I know it because it was published in all of the major newspapers in the State of Michigan.

MR. McCARGAR: Rank heresay, your Honor.

A. Well on the basis, your Honor—

THE COURT: Mr. Pelham, we have to call that rank heresay. The only ones I accept as not being rank heresay are some of those I am reading about this case.

A. In terms of rank heresay it has indicated—

MR. McCARGAR: Your Honor—

THE COURT: I have been watching some of them for the last few weeks and they have been very accurate so I am accepting them.

. . .

[120] Q. That would be fully funded under existing state law? A. Right. The alternate recommendation was for a 50 per cent funding. The rationale for that being that the State has funded it at a level this high in the past, in the 1972-73 fiscal year it was funded to the extent of 51.2 per cent of the formula but 50 per cent would bring the city of Detroit an additional \$18,787,000, and in addition to that we recommend that the unfunded portion be made available translated into mills for use in any general membership formula which might require additional millage.

. . .



(Cross Examination by Mr. McCargar)

[140] Q. Did you testify that the Detroit school district is now levying for school operating purposes the maximum amount that it can levy? A. The amount, the maximum amount that it can levy without a vote of the people, yes, that is what I testified to.

. . .

[143] A. It's on page 52: "In reviewing 1973-74 expenditure date it is noted Detroit had a current operating expenditure of some \$1115.60 which placed Detroit in 78th place out of a total of 531 K through 12 school districts."

THE COURT: 78 out of how many?

A. 531.

Q. Based on that figure you would say Detroit is substantially near the top, would you not? A. That is based upon all school districts that vary in size and I don't think the comparison there is significant because there is historical and factual variations in the costs per student which is a function of size. I think the comparison here with an average or an average ranking is meaningless.

THURSDAY, MAY 8, 1975

(Vol. VIII)

EDWARD SIMPKINS, having been duly sworn

. . .

(Direct Examination by Mr. Roumell)

[Vol. VIII 8] Q. Where are you presently employed?

[9] A. At Wayne State University.

Q. In what capacity? A. As Dean of the College of Education.

Q. How long have you been Dean of the College of Education? A. I am concluding my first year.

Q. Dean, could you tell the Court, please, what college degrees you hold and from where and in what subjects? A. I took my undergraduate degree at Wayne State University, a Bachelor of Arts.

Q. What field? A. A major in English and history and my second degree at Wayne State University as Master of Education, Secondary Education. My third degree as a Master of Educational Administration at Harvard and a fourth degree, a Doctorate in Educational Administration at Harvard.

Q. When did you receive your Doctorate? A. In 1971.

Q. After you were graduated from college could you tell us what jobs you had and where? A. In 1956 I started teaching in the Detroit Public Schools.

Q. At what level? A. The secondary level, at the Miller High School and I worked as a teacher of English at Miller High School for a year then I went into the Army, came out of the Army and was reassigned [10] to Northern High School in Detroit. I worked there for some five years and then I became a full-time officer in the Detroit Federation of Teachers. That was about 1965 and I worked there until 1968 and then went on to Harvard where I completed my Doctorate. Following that period I worked as Chief of Labor Relations in Philadelphia and during the interim I might point out I taught on the faculty at Tufts University.

Q. That is in Medford, Massachusetts? A. Medford, Massachusetts, yes. I taught at the faculty in the history department and following that or at the same time I was appointed Assistant Dean at Harvard Graduate School of Education and Director of the Center of Urban Studies.

Q. What was the function of the Center for Urban Studies? A. The Center for Urban Studies was a conduit through which funds flowed for various urban projects and there was a planning board that handled various grants that came through the university and we worked with various programs, generally of a socio-educational nature. . . .

. . .

[23] Q. Dean, you said these are sound educational programs independently of a desegregation plan. Now, the question I would like to know from you is whether or not you believe they should be included in the desegregation plan and, if so, why? A. I believe they should be included in the desegregation plan because the effort to desegregate has to have that going for it. The situations that were tolerable seem to become intolerable once integration becomes a part of the educational process. Right now people who don't have vocational educational programs probably, maybe they are concerned about it, but they are in no way as concerned about it as they are going to be when they are told their kids have to be integrated or bused. People who don't have a program in ethnic [24] studies are going to want to have a program in ethnic programs and studies, once they find out they have to mix with ethnic groups. Somehow this will tend to seem like a diminishing or diminution of their own ethnicity in the process. I say this because we have lived through it so many times before. The fact that a counseling program, maybe there is a counseling ratio of 300—or one to 300 within a school or one to 350 which is educationally unsound, we know that.

It becomes educationally intolerable generally once integration is made part of the total school program so you address yourself to, you certainly should address yourself to those educational issues that are sound and advantageous anyway whenever you take the desegregation step of the proportions that we are considering in this city, whether it is 60-40 or 70-30, there is going to be a need to address a number of educational issues that should have been addressed long before.

Q. What about testing, what part does that play, if any, in desegregation? A. In a number of school systems and certainly in the City of Detroit at one time or another we have had tracking systems built into the school systems and testing has been used as a device for segregating and isolating racial groups within schools. We know this has occurred. [25] Now, as I read the Detroit plan it addresses itself to making youngsters testwise, to testing, reviewing and retesting and I read it as a plan that certainly takes into consideration that old dodge of how to appear to have integration without having it, how to isolate youngsters within a school and although they go into the same building, as a matter of fact, having them as separate as if they were in two different schools. In addressing the testing question and the review question it seems to me that the Board has attempted to assure that even if the youngster finds himself in a classroom setting that an immediate test result might indicate he belongs in, there is going to be an opportunity for review so that he is not going to be assigned to that seat, that classroom setting on any permanent basis.

. . .

(Cross Examination by Mr. Atkins)

[99] Q. Now, let me just ask you a question relative to your testimony on testing which you said was an essential, I believe you said that it was an essential component to a desegregated



system or to words of that affect, is that a correct paraphrasing of what you said? A. I think that approximates it fairly.

. . .

Q. Let me try to rephrase the question. Is the reason for the importance of this component the misuse which has been made in the past of educational testing as it relates to black children? A. I think it's related to that. I think it's related to that and I'm not so sure that I would put an emphasis on misuse so as to connote that it was deliberate. I think that misuse also occurs simply because people are not reviewed. And there is a supposition that test results are [100] final and that they indicate something permanent and lasting about the individual. I think the components really addresses itself to that, if you're talking about review. I added that there is also some merit just in making youngsters test wise. I see that as a key component for youngsters anywhere, under any plan.

Q. Is there evidence that educational tests are culturally or racially biased and this has an impact on the children being tested? A. Allison Davis made that argument a long time ago.

Q. Who is Allison Davis? A. He is a sociologist and was probably one of the leading proponents of that theory and, of course, more recently there has been other psychologists making the same argument. I don't think there's any question but that the tests are, in fact, culturally biased. By the same token those cultural biases correlate very strongly with success in schools and ability to achieve the schools. My own perception is that probably that's not a useful road to pursue. I would not argue that whatever the biases are, I think that somehow youngsters have to learn to compete within the constructs of most of those biases. I think they have to learn how to do it.

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FRIDAY, MAY 9, 1975

(Vol. IX)

MARGARET C. ASHWORTH, having been previously duly sworn

. . .

(Direct Examination by Mr. Roumell)

[Vol. IX 53] Q. You say they are necessary components for a desegregation plan? A. Yes.

Q. Why for a desegregation plan in Detroit? A. Well, in desegregation we are talking about mixing people, black and white children, in a school setting and mixing people of different cultures and races in a way that has not happened before, at least in the city of Detroit or even nationwide in the same way that we are describing the process.

. . .

[55] A. The in-service training in the Detroit plan differs in many respects from the presently organized in-service training activities. When we bring black and white children together in a classroom certain kinds of problems surface that are unlike those that existed before. Teachers have to have specific training in terms of how they will relate to those [56] differences. In the event that black children have for the first time a white teacher, or vice versa, certain kind of problems exist. In the first place there will be tensions, there will be hostilities, there will be resistance to the change, something that we have had experiences with and research to back up and that has to do with how one relates to differences. . . .

. . .

[58] A. I am very much convinced that the present counseling and guidance program would be inadequate and a desegregated school system, the professional person who is responsible for guiding the adjustment of the student within that classroom or within that school would need to be retrained for the same reason I gave when I talked about the need for in-service training, that the guidance and counseling program will have to be revamped and I believe a prior witness has talked about the fact that at this point it's more of a disciplinary function as opposed to a guidance function and what we are saying is that in order to correct the inequities for the students and right the wrongs of students that that person has to be retrained and that program has to be revamped.

Q. You say "correct the inequities and right the wrongs of students." Specifically what are you referring to? [59] A. Specifically I am referring to counselors who have not understood the cultural differences, the racial differences, the life styles of students unlike themselves. In other words, I am talking more specifically as your Honor would want me to do and it's hard for educators not involved in education jargon but what I am saying is that students have been counseled in or out of certain programs based on their race. If this had not been so the Aero Mechanics would not be 84 per cent white in a school system that is more than 70 per cent black. The Counseling function is very important in that it will give the kind of attention to youngsters that will allow them to meet their potential.

Q. Does this mean retraining of counselors? A. This means retraining of counselors and restructuring of the present guidance and counseling system.

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[60] A. A special kind of counseling, your Honor, is necessary in order to be sure that there are no discrimination patterns

of behavior in terms of the way the counselor relates to the counselee.

Q. You are talking about black and white? A. Black and white or white and black because we have problems of race.

THE COURT: The system has counselors now? A. Yes.

THE COURT: You are saying you want to be sure— A. —that a counselor is giving fair treatment to all of the children.

THE COURT: In other words, you don't have a bigoted white counselor trying to operate in a system that is integrated, or a bigoted black counselor trying to operate in a system that is integrated. A. Or a counselor whose expectation of blacks are different from the expectations of the white students.

• • •

[71] THE COURT: I grant that in five minutes the counselor will know—let's say the counselor knows in five minutes this young man is going no place academically; the academic phase of school is going to be such pressure on him he will drop out but the counselor also finds out that he is very proficient with his hands and he is going to make a good carpenter. Is there anyplace in this system that will take care of these potential dropouts?

• • •

[72] A. We believe and it is supported by a section in the plaintiff's critique that testing is very important in the desegregation effort in that adequately trained teachers and the administration of tests play a very important part in whether or not youngsters are admitted in certain curriculums,



whether or not they are tracked and particularly as it relates to placement in special education type settings.

• • •

[73] Q. Yes. A. Often teachers take the test results—we will take achievement test results as an example and because the average test scores on the achievement test in a rank order might appear low in, say, reading which brings the average down when it's computed across the board those students are put in sections instead of allowing them to matriculate in a heterogeneous setting and that means fill them out at different ability levels in a different discipline. They are put in a track and left there without the attention being given to some of the other skills that they have and some of the other potentials. For instance, let me see if I can make that a little clearer: A child may have some difficulty in reading and have tremendous abilities in math. In looking at the reading score the teachers group the kids according to that ability in reading without respect to some competencies in math. Often the instructional program is not planned in a way that is most beneficial to that youngster so you have a group of youngsters with teachers where the teachers expect very little of them and they expect little of themselves and their potential in terms of academic skills are not given attention. This is true at the elementary level. • • • [74] We believe that the tests have not been normed on the culture of the various groups, particularly the black groups in that they are not culturally fair.

Q. Are you telling this Court that testing has been segregatory? A. Yes, I am, in my judgment, Mr. Roumell, and in the findings as we have looked at situations around the country we were particularly interested in the research done with Mexican American youngsters in San Francisco and because of language difficulties and because they could not cope with the standardized tests they were tracked into special edu-

cation sections which have very little to do with their ability to function as adequately in a normal classroom.

Q. Would it be fair to say that the testing component in the Board's plan is designed to prevent this type of segregatory effect? A. Yes, it would.

Q. Do you believe it necessary as part of desegregation? A. I believe it to be an essential part and a necessary part to make desegregation work and to correct the inequities that have come about as a result of testing practices in the Detroit [75] Public Schools.

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TUESDAY MAY 13, 1975

(Vol. XI)

FREEMAN A. FLYNN, having been previously duly sworn

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(Direct Examination by Mr. Roumell)

[Vol. XI 26] A. • • • No school system can survive without the support of its clientele, the parents and the children. I think Boston is an example of that. It will not survive given the conditions there. I realize that there is a constitutional responsibility to desegregate. I understand that. I support it absolutely but what I wish to see is the school system survive in the process and I wish to see as an individual, desegregation turned into true integration and I don't see how we can do that without the kind of functions I have described.

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WEDNESDAY, MAY 14, 1975

(Vol. XII)

STUART RANKIN, having been duly sworn

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(Direct Examination by Mr. Roumell)

A. • • • [Vol. XII 89] a white teacher who has been—or a black teacher, for that matter, who has been used to working only with black youngsters or only with white youngsters and my experience is limited to that extent and I may have, through my own background, certain prejudices or limitations, or in some other ways may not be as adequate to the job in a newly desegregated school situation as I might otherwise be, I am going to need some help. I am going to need some training, I am going to need to understand what happens when expectations are communicated to youngsters. You hit a key point. It is true that there is very strong evidence as reported in our report that the extent to which the teacher communicates to the student that the teacher expects that that student will learn well is an important variable in how the student feels about how well he is going to learn. And in turn, that is an important factor in how well he does indeed learn. And so, we have designed and we are prepared to carry out in-service education programs that will help our teachers understand and deal with the ideas of expectations. Now, that is not to say that expectations theory isn't important anyway. It is to say that it is doubly, or triply important in a desegregated school situation. So we have provided funds to deal • • • [91] a new situation or three schools that are grouped together in a cluster, the plan provides that those schools in-service education programs and their achievement program planning through those seminars we talked of, will occur jointly now in the new school situation and that any existing

plans will be reviewed to see if they, indeed, speak to the needs of the newly formed group of youngsters. Those are matters which seem to our Office of Desegregation terribly important and to our Board of Education. So, they are given prominent attention in the plan, sir.

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[94] THE WITNESS: One of the most important things to guarantee is that having desegregated the school, we don't resegregate the classes within the school through homogeneous grouping or other techniques that have been used over the ages in education for grouping youngsters. It's terribly important that we use tests for the right purposes, that we use them for diagnostic purposes, that we use them to judge whether the program is any good, rather than whether the kid is any good, and to that end it is necessary for us to give some additional training. This is not the same in-service education training about attitudes and so on. • • • [99] to do an effective job in working in a newly desegregated situation. By that I mean, increased awareness in the whole area of race, racial awareness, understanding of both likenesses and differences between and among races; new skills in inter-personal relations and new knowledge of what some of the research says about how students of different races that have been treated and in various situations in education in the past. I mean improvements of inter-personal communication so that teachers are better able and administrators, to work with the community, which is biracial. And I mean—I should say we mean there are bound to be some conflicts and the best kind of conflict, the best way to solve conflicts is to do it in advance, to do it in a preventive way and be alert to symptoms as they occur. And all of us will need some additional training to be alert to symptoms as they come, and to learn new skills in contract resolution. • • • [110] These tests are given annually. It is our belief that those people who give the tests



and those people who interpret the results of those tests, under a desegregated school situation, should have [111] some special training to make certain that the children's testing circumstances are just as perfect as they can be, that there is the appropriate readiness for taking the test that gives every advantage that is fair and no advantage that goes beyond, that the test administration is done the way it ought to be. But more importantly that the interpretation and results of these tests are used properly, not to channel kids in a situation where they may be grouped with youngsters who perhaps aren't learning as well or we might get some resegregation possibly. But we use those test results in a diagnostic way that we use those test results to determine the affect of the program so that we can change the program if it is not as effective as it ought to be and that they can do an even more adequate job of item analysis so we can learn from the test information that is there so that the placement—well, so that the interpretation that is made to the parents and to the pupils themselves, can be of a higher caliber. We think that these things are important anyway, but we think they are especially important in a desegregation situation. And that's the reason that the Office of Desegregation has included this component and the Board has approved it as part of the total package.

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THURSDAY, MAY 15, 1975

(Vol. XIII)

STUART RANKIN (Continuing)

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(Cross Examination by Mr. Dziamba)

[Vol. XIII 42] Q. What particular things then, in your opinion, have to be provided for in an in-service program in

a desegregated environment that are not presently in the existing program? A. The things that need to be provided for include training which will give the trainee, the teacher or administrator or counselor an improved understanding of race, of race relations, of racial understanding, a whole series of understandings in the area of racial awareness and racial understanding. Also the in-service education should provide [43] some skills in conflict resolution and in anticipation of conflict and along that line. Thirdly, the importance of dealing with all children fairly, equally, even handedly, those are some of the things that the in-service education program would do.

Q. You mean specifically with regard to race in this context? A. I mean specifically in regard to race, yes, sir.

• • •

[56] Q. Can you briefly describe the difference between the existing program and the testing component in the Detroit Board's plan? A. The primary difference is that the testing component in the Board's plan is placed there to accomplish two ends, one is to be certain, to be doubly certain that the tests are administered in a fair, even-handed way, that the results are interpreted in keeping with the sense and purpose of desegregation, so that is one purpose; the other purpose is to provide useful and timely information to school administrators and teachers about the effectiveness of the learning programs so they can [57] make better decisions on improving those programs.

Q. Can you tell me what you mean by administering a test in a fair and even-handed way? A. It means that one needs to select tests which have been standardized on a population which includes minority as well as majority members. It means that students need to be provided a testing environment which



is not overly crowded and has a reasonable ratio between test administrators and monitors to pupils, that no deviation is made in the amount of time which is allowed for completing the instrument and items of that kind.

Q. Does it also include the giving of directions and the completeness of the directions? A. It does indeed.

Q. Does it include the attitude of the person giving the directions and administering the test? A. It does.

Q. In your experience and opinion does that have a race factor in it? A. I don't know.

Q. Maybe I can phrase it another way. In assuring that tests are administered in a fair and even-handed way is one consideration of that, as an educator, the way in which, for example, in a biracial situation the way in which the person [58] administering the test and giving the direction relates to people being tested? A. Yes, it's important.

Q. Have there been studies on that as to the difference of the race of a person giving a test and the person being tested? A. I believe there are but I'm not familiar with the results.

Q. In the aspect of interpreting the results with a sense and purpose of desegregation I believe you stated, what do you mean by that? A. We would not want tests to be used to regroup pupils in such a way that although the school was desegregated the learning situation or classroom group was segregated.

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FRIDAY, MAY 16, 1975

(Vol. XIV)

LOUIS MONACEL, having been duly sworn

(Direct Examination by Mr. Roumell)

[Vol. XIV 25] Q. Would you state your name for the record, please? A. Yes; Louis Monacel, sir.

Q. Where are you employed, sir? A. Detroit Public Schools, Detroit Board of Education.

Q. What is your position presently? A. For the past year I have served as Assistant Superintendent of Curriculum and Staff Development.

Q. Under your directorship of Curriculum and Staff Development would you tell the Court and commissioner what divisions fall under your supervision, what functions? A. Largely all in-service training that occurs in the Detroit Public Schools with the exception of the work Dr. Rankin carries out as he described in this court which is coordinated with the Office of Staff Development. In addition, the Office of Curriculum is [26] concerned with all aspects of school learning from kindergarten through 12, including all known aspects of learning within the curriculum of a local school. By that I mean kindergarten through 12th grade, all subject areas, physical education, language education and so on. Those are the general responsibilities that go with that kind of office.

Q. Dr. Monacel, what degrees do you hold from what institutions and what areas? A. Three degrees all from Wayne State University, bachelor of arts and sciences, master's degree in education, the doctorate in administration and curriculum development, all from Wayne State University.

Q. How long have you been employed by the Detroit Board of Education? A. Since 1950 or approximately 25 years.

. . .

[27] Q. After that what position did you hold? A. In the early '60s with the development of federal legislation pertaining to and recognizing the need for compensatory education in urban areas I began to direct compensatory education programs again in the so-called innercity of Detroit. Following that I became finally assistant superintendent of the Office of Federal, State and Special Projects and held that position for about seven and a half years until the recent reorganization of our school district which occurred a little over a year ago.

Q. Dr. Monacel, am I correct that the Office of Federal, State and Special Projects was organized for the purpose of exercising maximum effort to obtain federal and state funds, is [28] that correct? A. Yes, sir, that is correct and I am proud of the record I think we have attained in this city. The sole purpose of that office is to maximize the ability to gain additional funds, categorical or competitive funds for the children of this city.

Q. Dr. Monacel, I would like to refer you to the components, one of the components proposed by the Board of Education which is school crossing guards. A. Yes, sir.

. . .

[64] Q. You stated that this quality education is coupled with the desegregation plan? A. Absolutely.

Q. Could you tell us why it is? A. Sure. The Board of Education clearly believes that it wants to desegregate its schools and it wants at the same time and ought to want at the time an improved educational program for every child in

the school district. I think those, if I may say, those two things are inseparable.

Q. Would it be your opinion that in order to make the plan work this quality education is needed. A. Yes, sir.

. . .

[65] A. Absolutely need.

. . .

Q. Why? A. My experience in education has proven to me that desegregated education is good and it is helpful in the educational process and Dr. Rankin has documented the helpfulness of desegregated education in the learning process but that is not enough and this document states that very clearly desegregating the school district is not enough. It must be accompanied by improvements, by quality education. There is no question that that is the case. We are also talking about the school district of the city of Detroit. We are talking about a virtually bankrupt school district, a school district that just two years ago begged to float an \$80-million bond because it had an 80-million dollar deficit; the school system that is operating on what we popularly call a suicidal budget; a school system that is offering really minimal education to its students. If that is the case and we desegregate, fine. I don't think there is an educator in our school system who doesn't understand desegregation is helpful to all children but to say that that act in and of itself is going to improve education in this city I believe to be ludicrous. You must couple that with the ability to improve and develop quality [66] education, I am convinced of that. I know the Board of Education is convinced of that, after all they submitted this plan to this court.

Q. Would it be fair to say that the plan is designed to create stability in the Detroit system? A. I think so. I am

convinced it's a good school district even though it's almost a war cry, a good school system does attract and retain families in any city. If the family knows there is good education going on down the street where that child goes to school or at the end of that bus route that that is a good school and there is quality education there, obviously that kind of familial satisfaction is a great plus in any city endeavor.

. . .

[67] Q. In the last two years by attrition, vacancies, death, resignation, could you tell the Court in your curriculum department how many persons you have lost? A. In the major curriculum areas we have lost 27 supervisors simply because we haven't filled the vacancies.

Q. Why is the Board asking this Court that they add seven language art supervisors in one department in connection with desegregation? [68] A. I don't mean to belabor the point but if we are going to ensure quality education coupled with desegregation these people are vital to do that and are a link to the other departments to the schools to the regions in order to do this. My job, Mr. Roumell, is to afford the school district service of all kinds in the area of curriculum and be a service agency as well as the leadership agency for the school district. You can't do that all by yourself, at least I have been unable to do that.

. . .

MONDAY, MAY 19, 1975

(Vol. XV)

LOUIS MONACEL (continuing)

. . .

(Direct examination by Mr. Roumell)

[Vol. XV 13] Q. Doctor, you indicated last Friday that prior to you assuming the present position that you had that you were in charge of the Office of Federal and State Assistance, is that correct? A. That's correct.

Q. In that connection did you become familiar with what is commonly known as ESAA? A. Yes, at that time I was quite familiar with ESAA.

Q. What is the name for ESAA, the official name? A. Emergency School Aid Act.

[14] Q. Public Law 92-318, 92nd Congress, passed in June, 1972, is that correct? A. That is correct.

Q. Could you tell us what the purpose of the act was as announced in the act itself? A. Yes, I believe the Congress of the United States with the approval of the President recognizing the necessity of legislation helpful to school districts around the United States who are engaging in the act of desegregation, the purposes of the act clearly delineate that kind of assistance. If I may, the first purpose is to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools. To encourage a voluntary elimination, reduction or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students and, to aid school children in overcoming the educational disadvantages of minority group isolation. It goes on to state and I think very importantly for the Detroit Public Schools on page 24, that once a school district is eligible it may submit developed proposals for virtually every area of education improvement that we have [15] spoken to in this court, with the exception of



transportation, and if I may, Mr. Roumell, the act states that you can submit proposals for special remedial services, for professional staff, for teacher aides, for in-service training, for counseling, for new curricula, for minority language, for career education, for career activity, administrative services, for planning and evaluation and bilingual education. Once eligible constructive proposals approved by the Chicago office of HEW certainly permit and encourage these kinds of activities in a school district undergoing desegregation. It seems to me then that there is recognition in the Federal Government particularly in the Congress of the United States that educational improvement must be enhanced and coupled with any school system that is desegregating.

. . .

(Cross examination by Mr. Dziamba)

[88] Q. So that the curriculum design as it is termed here on page 229 is essentially continued in the same form as it presently exists.

THE COURT: How does this component fit into the desegregation plan? A. Your Honor, Friday I was speaking to the curriculum within the confines of the budget and I was trying to explain that to carry on all programs or many, many of the programs that could be created from this desegregation plan leadership people are needed, curricular leaders are needed, supervisory folks are needed with their specialties in various areas as outlined in this document. I also, I guess, told the sad story of the fiscal dilemma of the school district which today precludes those numbers of people carrying on in those leadership roles.

. . .

Q. You testified to this curriculum component Friday and I still don't know how it fit in with the desegregation plan.

[89] A. I could only repeat that in order to lead, control, assure that the program described here will be on-going in every school under this plan that these kinds of people are needed within the budget of curriculum to make those assurances.

. . .

[92] Q. The administrative and supervisory leadership in the area of language education has been drastically depleted because of employment of staff incident to desegregation since the fall of 1971 and incident to the retirement of the divisional director in December of that year. That just is proffered by the Board really and has no relation to desegregation, does it? A. I testified Friday, sir, that if we are to improve the educational life of the children in this school district and at the same time desegregate there must be a serious [93] improvement in public education in this school district. The page you relate to to me indicates, indeed, for the improvement numerically and staff for our school district, I also will not belabor, in that I think I already belabored it on Friday that this is probably the most economically depressed public school system in America and Detroit as a city ties that record or is approaching it with I believe that what is obvious, that it is absolutely related to a successful desegregation plan.

Q. What factors in your experience have led you to that conclusion? A. The factors in my experience are these: For the last five years and nearly for the past decade I have watched an excellent school district decrease in its capacity to deliver educational services to its several hundred thousand or more children for lack of physical ability to do so. I have seen a school district ripped with teacher strikes that has further deteriorated the ability to deliver services and a series of other economic depressing events in Detroit. To that extent it seems to me when you add a new factor, a new historical event in this city such as desegregation it must be bolstered

by improvement in the school district. Desegregation in and of itself is an improvement factor there is no question of that but in our case, in our town and with the unique horrors of this town [94] in terms of the economic dilemma, I submit everything that we speak to as improvement is vital.

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(Redirect examination by Mr. Roumell)

[120] Q. Now, on the curriculum component I'd like to ask you this question. Assuming appropriately—I want to rephrase that, Your Honor. I apologize. Assuming that the Detroit Board had about the same budget that it had to work on that it has now to work on next fall, and assuming for the purposes of this question only, that there was no desegregation plan, could you, with your present staff, be able to supervise a curriculum in Detroit? A. Presuming no desegregation plan?

Q. Yes, sir. A. Yes, within the framework of the declining budget, declining quality of education in this city because of budget [121] problems, it could be done.

Q. Now, Dr. Monacel, assuming the same budget in Detroit, but there is ordered a desegregation plan, be it either in the form of the plan of the Detroit Board or in the form of the plaintiffs, could your office supervise the curriculum activity with the present staff? A. No, sir, I don't believe we could.

Q. Would you tell the Court why? A. The very nature of the plan or plans, whichever plan, I think they both include considerable pairings of schools. When that occurs, it seems to be all kinds of educational things follow. If the school has been K-6 and it is now K-3, if the other schools had been K-6

and it's now grades 4, 5 and 6, there's all kinds of updating information, updating material, all kinds of assurances that there are controls of that program, that all is well, that a good learning situation is there, the supervisory function must be increased in those instances. Therefore, I do not believe that the current supervisory leadership staff could do it.

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CHARLES L. WELLS, having been duly sworn

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(Direct examination by Mr. Roumell)

[159] A. Because we feel that this counselling support is necessary to relate educationally to the adjustments required in desegregation.

Q. Would you explain what you mean by that. A. All right. I think that there are two areas that need to [160] be considered. Number one, the way in which students adjust to school to an appreciable degree, will determine what they get out of school. The fact that under desegregation we will be moving students in attendance patterns that are different from those that they have experienced in the past will place some pressure on the school district in terms of the adjustment of students to school. Secondly, if we want to make that educational experience a meaningful one, then they are going to need assistance in terms of how they academically progress in school and the career and other educational opportunities that are available to them.

• • •

[166] Q. I see. Now, let's talk about this counselling function. I want to refer to the aero mechanics. There has been some concern expressed by plaintiffs on this record about the



racial ratio of black students at the aero mechanics. Mr. Wells, in your experience and your opinion, could you tell us whether guidance and counselling could have been of assistance in correcting— A. Obviously guidance and counselling could be of assistance of correcting this problem.

Q. In what way? A. In two ways. Number one, as we are dealing with black students, we have to recognize that for a number of reasons, black students have either not been made available—made aware of career opportunities, or they have assumed that because of the lack of black persons in certain careers that it serves very little useful purpose to prepare themselves for those careers. Obviously then, the concentration in guidance and counselling to answer [167] these kinds of concerns to black students, particularly in a school district as large as ours, it is my belief would have resulted in a greater number of black students in this program. I must say, on the other hand, that as I have reviewed the statistics, there has been a gradual improvement over the last three years in terms of the number of black students that are in Aero Mechanics.

Q. Let me ask you this, Mr. Wells. In terms of the proposed 4 Vocational Educational Centers, would guidance and counselling play a part in encouraging both black and white students to go? A. Guidance and counselling would play a very important part. As a matter of fact, you could not have this kind of vocational program that would be successful without a strong guidance component, for several reasons. One, I have alluded to and that is the idea of making students aware of occupational opportunities and assisting them in choosing the curriculum that will prepare them for that kind of training. In view of the fact that this would be a cooperative kind of program—when I say cooperative kind of program, where students would be involved in both the vocational program and the curriculum within their base school. Then, there needs

to be communication between the two facilities so that the [168] student on one hand is prepared to either obtain additional vocational training, if necessary, beyond what the school district offers, or if he needs training, it prepares him to go immediately into the world of work. That kind of programming is essential for him or her in that school. In addition, one of the things that I think we have to be concerned about is the awareness. The trying to get 16 and 17 year olds to decide a vocation for themselves that locks themselves in at this young age is inappropriate. And therefore, they have to be assisted in obtaining an adequate curriculum in the comprehensive high school so that if at a later time, they change their mind about that particular vocational pursuit, they are not left without a base to go into some other area of educational pursuit. And finally, in view of the rapid changing technology in many vocations at this time, there is a need for communication between the school system through its guidance department and the areas where students will be looking for employment to make sure that the educational program is really relevant to the needs of the individual in terms of their vocational pursuit.

Q. Would this also be true in encouraging youngsters, both [169] black and white, to attend the two new proposed technical high schools? A. Obviously.

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A. • • • [170] place additional stress on a school where you can assume that there will be a degree of adjustment problems, then your need for an adequate and appropriate guidance and counselling program becomes much more evident and necessary.

Q. Now, when you say additional stress, what stress are you referring to? A. I'm referring to the stress of desegrega-



tion. At any time that you take individuals, whether they be children, youth, adult, out of what they have considered a normal pattern of behavior and activity and change that in another direction, you're going to have some degree of stress. Some individuals will be able to handle this with minimal difficulties. It will create significant problems for others.

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TUESDAY, MAY 20, 1975

(Vol. XVI)

MICHAEL J. STOLEE, having been duly sworn

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(Direct Examination by Mr. Lucas)

[Vol. XVI 92] A. All right, sir. In my opinion, the most important single component that's in there is the section on in-service training. I have read the back of the document what the School Board has had to say, and it is my opinion that their statements reflect accurately, as I know it to exist [93] on the national scene and that the program they are presenting makes sense. It would be a good way to handle it.

• • •

[110] A. • • • There are things schools should be doing regardless of desegregation. However, we have not yet satisfied ourselves, and I believe the Board addresses itself to this point, that these tests given are culturally free. I should say free of cultural bias, or free of ethnic bias. And that continuing efforts must be made to develop a testing program that really measures what it is designed to measure, rather than a child's ethnicity. • • •

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A. • • • [127] It would seem to me that any great school system could well afford to develop some of its quality education programs in the fields of reading.

Q. Is this an area which children have been victims of discrimination often suffered the greater difficulties? A. It is.

Q. Is this an area that many school systems involved in desegregation have concentrated their resources? A. It is.

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(Cross Examination by Mr. Roumell)

[131] Q. • • • Would a high school counsellor discuss career guidance with a student in a high school? A. Yes.

Q. And would it be your recommendation that a high school counsellor could be helpful in encouraging both black and white students to enter a specialized school? A. Yes.

Q. Would this be a method by which we could increase the percentage of black students going to a specialized school such as the Aero Mechanics? A. Yes.

Q. And how would the counsellor be able to do this? A. Well, through the techniques of counselling and the informational services available to the counsellors.

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TUESDAY, MAY 27, 1975

(Vol. XIX)

GORDON FOSTER, having been previously duly sworn

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(Direct Examination by Mr. Atkins)

[Vol. XIX 36] Q. Dr. Foster, on the basis of your experience with school systems in the process of desegregation, has reading programs—has a reading program been shown to be an important aspect of facilitating desegregation? A. Very definitely so. I think, as I testified earlier, we don't make these decisions, the School Boards develop what they call in the trade, a needs assessment which sets out to define exactly what it is they need. And then they have these on a priority basis. And both in our work at the center and in the funds that are requested through the Emergency School Assistance Act for the Federal Government for desegregation, the Florida District [37] perceives this to be perhaps their highest priority item. For example, in the Emergency School Fund, Broward County put their entire pot of over a million dollars into a reading program. Dade County put also over a million dollars and approximately three-fourths, I believe, of their Emergency School Funds into their reading program. And several other districts have followed similar patterns.

Q. On the basis of your own expertise, what is the importance, if any, of reading to a desegregating school system? A. Well, as in most educational problems, for concerns, the desegregation process often exacerbates difficulties in the current educational program that sometimes aren't seen as clearly in a segregated situation. But when you throw children, especially at the advanced grades from widely different preparation backgrounds, children of considerably different achievement, teachers are in very dire straits on how to deal with a roomful of children that have very wide achievement ranges. And this is one of the perceptions that they have of being a most difficult problem. It's very obvious that if you have a child, for example, in the 5th or 6th grade who is reading at the 1st and 2nd grade level, that none of the subjects in that grade can he adequately cope with because reading is the foundation

for the whole business. [38] So, our program, in helping counties with reading, are geared primarily to two things. One is the remedial function of how to save these children that are in a secondary school or upper elementary school. And we find that pretty difficult because many of them have gone so far that to resurrect their reading skills is just plain difficult. I think over a long range period we're much more optimistic about spending money and helping districts with what we call early identification programs both of reading difficulties and learning disability problems. And if they catch the children at an early enough age in the school process, there's much more hope to getting those things straightened out.

Q. Is the importance of a reading program or reading component related to testing in any way? A. There's a very high correlation between any pencil test and reading ability. I mean, if you can't read, then you aren't going to do very well on the test, obviously.

. . .

[45] THE WITNESS: Let me cite a quick example. We have an accepted program with one of the big high schools in Miami which is desegregated, Jackson High School, and they just had a finding that needs assessment which indicates that something like 70 percent of their pupils in the senior high school are reading at maybe the 4th or 5th grade level. Now, obviously, this becomes a very important disciplinary matter because the pupils sit there and they can't do anything. They can't relate to what's going on in the classroom. Just as important, becomes the fantastic problem, in terms of faculty morale and staff morale. And we've been working all year with their reading language arts people because secondary people are very poorly trained in terms of reading. They're discipline oriented in terms of math or history, or what have you and don't want to be bothered with reading because their opinion is that the kids ought to learn to read at the elementary level.



But the truth of it is they aren't able to deal with that kind of a problem in Jackson High School and some others.

MR. ROUMELL: Your Honor, I move to strike the answer. It has nothing to do with Detroit, [46] what they are doing in Jackson High School.

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WEDNESDAY, MAY 28, 1975

(Vol. XX)

GORDON FOSTER (continuing)

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(Cross Examination by Mr. McCargar)

[Vol. XX 178] Q. Doctor, this case was remanded to this Court—

THE COURT: Are you sure about that?

(continuing)—for further proceedings consistent with this opinion leading to a prompt formulation of a decree directed [179] to eliminating the segregation found to exist in the Detroit city schools. In your opinion, based upon your expertise, does the plan that you prepared and filed with the Court do that? A. Yes, sir, I believe it does.

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THURSDAY, MAY 28, 1975

(Vol. XXI)

CHARLES E. WELLS, having been previously duly sworn

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(Direct Examination by Mr. Roumell)

[Vol. XXI 155] Q. Mr. Wells, in the plan of the Detroit Board of Education, there is a provision for four vocational high schools and two technical high schools. Referring to the vocational schools, can you tell the Court what part, if any, counseling and guidance could play in that desegregation tool? A. Counseling and guidance can play an important role. First, in assisting students to make appropriate academic choices in many instances which would result in their attendance in a technical or vocational school. In addition to assisting them in selecting the area or field, they would also assist them in choosing the kind of prerequisite program that would help or be necessary for successful study in that particular school. Finally, they would, could and should act as a liaison between the vocational school and the comprehensive high school to make sure that the curriculum that was taken in the comprehensive [156] high school really is meaningful in terms of what is required for success in the vocational and technical school. And finally, they should be able to do follow-up work with those students when they have completed their vocational and technical training so they can relate then to the curriculum of the technical and vocational school to determine whether or not it has been relevant in terms of the needs of the students when they enter the world of work.

Q. Could counseling and guidance serve to encourage both black and white students to enroll in those vocational schools? A. It could do so in two ways. One, as I have alluded to earlier, it could make information about career opportunities available to students so that they would choose to involve themselves in the offerings of the vocational and technical schools. And also it would point out to the students and be helpful in getting them to recognize that that kind of training could lead to a successful pursuit when they had completed their training.



Q. And that would apply to black students. Am I correct?  
A. That is right.

Q. It would apply to white students. A. It certainly would.

[157] Q. Would it be fair to say that to black students the counselor could point out the opportunities in such fields such as construction and auto mechanics and so forth? A. I think the only difference as it relates to black or white students would be that it would be probably that the counselor could enlarge on the possibilities for meaningful pursuits on the part of the black students by providing them with information that might not have been available to them from any other source.

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FRIDAY, MAY 30, 1975

(Vol. XXII)

ROBERT L. GREEN, having been duly sworn

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(Direct Examination by Mr. Lucas)

[Vol. XXII 45] A. Yes. When we examined the data for the NAACP here, I believe, two, two and a half years ago, when we had first-hand awareness of that data, there was a significant discrepancy between the general achievements, specifically in the reading area, between black and white youngsters here in the City of Detroit. And I would guess that the gap or the difference between the two groups yet holds.

Q. You have not yet studied in any way the educational components of the Detroit plan. A. No, I have not.

Q. Would you, Dr. Green, as one of the techniques of dealing with the educational deficits resulting from segregation, [46] recommend to the Court that a remedial program be included as a part of the desegregation process? A. In the reading area?

Q. Yes. A. Or remedial in general?

Q. Remedial in general but in particular the reading area.  
A. Yes, I would say reading is one of the most critical problems facing minority youngsters throughout the country, and the effect can be found at every level, from the second grade level through the university level. Minority youngsters that we even find at Michigan State University who had not been afforded a quality desegregated education often lag behind their white counterparts at the university level which requires remediation at that level. And we have very strongly taken the position that the remediation should occur at the public school level long before students become involved and enroll in university programs. But the effect is broad, not only in terms of university programs but trade programs, non-university related, at the same time, but post high school, post tenth grade.

Q. Dr. Green, I take it every urban school system has a variety of educational needs and deficits. But just so it's clear on the record, is it your testimony that the reading deficit is directly attributable, in your opinion, to factors [47] involving racial discrimination in schools? A. Yes, that is true.

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MONDAY, JUNE 2, 1975

(Vol. XXIII)

CHARLES E. WELLS, having been previously duly sworn

. . .

(Direct Examination by Mr. Atkins)

[Vol. XXIII 78] A. One of the basic responsibilities of the guidance and counselling program is to make students aware of various vocational opportunities, to get them involved in both the study and pursuit of those vocational programs in which they have interest. And then to handle the necessary transfers and rescheduling in a vocational program. So, from that standpoint, I think that the role of the guidance counselor would have an important impact on the desegregation of programs involving vocational training.

. . .

[86] A. . . . You are moving a significant number of students where new peer relationships have to be established, where they are new in the schools. And this will require some adjustments on the part of these students. The guidance counselor, again becomes the individual who has to assume the responsibility, both from the standpoint of time and training, to assist students in dealing with this type of adjustment process.

Q. This is the adjustment process that you're suggesting may be the result of moving children as a result of a desegregation plan? A. I'm not suggesting it, counsellor. I know it will occur. When you move children in these large numbers, whether it be for desegregation or some other purpose, you are going to have an adjustment process the student has to go through.

Q. An this is not an adjustment process that is going on in the Detroit schools currently? A. No.

Q. Do you mean that the elementary counsellors are needed for desegregation? A. I definitely do.

. . .

(Cross Examination by Mr. Dziamba)

[135] Q. You testified earlier, Mr. Wells, that there was a certain number of dropouts annually. A. Yes.

Q. From the Detroit system. Do you remember what that testimony was? A. Yes. For 1973-74, there were 9,925 out of 76,288. This was for the tenth, eleventh and twelfth grades.

Q. That was approximately what percent, if you can figure that out? A. I'm sorry, that was out of 70,785.

Q. 70,785? A. Right. And if my figures are correct, that's 14.02 percent.

[136] Q. What, if any, role does a guidance counselor play with respect to these students? A. The guidance counselor is expected to play a role with these students both in terms of providing counseling and guidance service to them throughout their secondary career and also, if at all possible, immediately prior to their physically becoming a dropout. Again, we have the problem of the counselor's availability to do this. We do know from experience that in several schools where that opportunity—where the counselor is able to devote the time to these kinds of problems—we can recognize an impact.

Q. What kind of impact? A. That the dropout rate is lower.

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TUESDAY, JUNE 3, 1975

(Vol. XXIV)

CLEMENT SUTTON, having been duly sworn

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(Direct Examination by Mr. Roumell)

[Vol. XXIV 103] Q. • • • Can you tell us whether or not the Detroit Board of Education receives any State aid for in-city transportation. A. Yes, we do receive State aid reimbursement for certain in-city transportation costs.

Q. How long has the City of Detroit been receiving in-city transportation reimbursement? A. This is the second year that we have received some reimbursement from the State.

Q. Referring to the 1974-75 school year? A. That's correct.

[104] Q. And prior to the 1973-74 school year, are you telling this Court that the City of Detroit Board of Education did not receive reimbursement or in-city transportation? A. That is correct, we did not receive reimbursement for in-city transportation.

Q. Now, Mr. Sutton, do you know whether prior to 1971, the State was reimbursing the transportation costs of rural districts? • • • [105] A. Would you repeat it, please.

Q. My question is whether you know if prior to two years ago rural districts of Michigan were receiving transportation reimbursement aid from the State of Michigan? A. I believe the districts such as you mentioned were receiving such reimbursement, yes.

THE COURT: Are you sure?

THE WITNESS: I am sure that they were receiving such reimbursement.

THE COURT: Rural areas?

THE WITNESS: That's correct.

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[126] Q. Mr. Sutton, will you tell the Court if you would, please, what the projections are on the budget that you're preparing? A. In looking ahead to 75-76, in terms of our preliminary expenditure requirements, in total dollar terms, we're looking at the proposed budget of approximately 314 million dollars. Now, that's to be compared with a budget in the current year of 74-75 of about 280 or 285 million dollars. Now, the increase there, between 74-75 and 75-76, an increase of about 30 million dollars is due, primarily, to meeting the additional costs of doing business without really any enhancement or improvement in terms of programs and services. When I mention increased costs of doing business, this refers to meeting contractual commitments in terms of salary increases, paying our normal salary and wage increments for employees which become due next year, meeting the increased costs of the non-salaried items in our budgets, such things as utilities, text books, supplies, materials and other goods and services, goods of that type. We are also projecting in our [127] preliminary budget, the restoration of certain services that had been eliminated from the budget two years ago in 1973-74. Now, these services fall in four or five major categories, substitute services, text books and supplies, and two or three other categories. Now, when we actually come down to adopting budgets on July 1, I'm sure that there will be some determination made by the Board as to which of these services



will have to be cut back in order for us to operate again within a balanced budget.

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[128] Q. All right. Now, does the 314 million dollars projection, does that give you a balanced budget based upon the projected income? A. No, it does not.

Q. I take it then, it gives you a deficit? A. That's right, at a level of 314 million we would be looking at a potential deficit somewhere around 28 million dollars.

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[129] Q. If the proposed budget was adopted, based upon the continuation of present services and some restoration, do I understand it that you would be spending next year, 28 million dollars more than you're taking in?

MR. McCARGAR: Objection again. They're not taking anything in, Your Honor.

THE COURT: Overruled.

THE WITNESS: That is correct.

Q. Now, of that 28 million dollars, how much is allocated to restoration of services? A. 7 and a half million dollars.

Q. And this is the substitutes and the text books? A. Yes, certain other items, building operation and maintenance, equipment, filling certain custodial positions that have been required by union contract and certain other instructional and support services that were cut out of the budget in 1973-74 as an emergency measure, to maintain a balanced budget that year. So really, in terms of restoration, we would only be

talking about reverting back to the same level of services that we were providing in the original 1973-74 budget, not to speak of the cutbacks that have been in effect and have been continued since the institution in 1971 of the survival plan. We have made no [130] provision for restoring any of these services and we just count down the damage there by not being able to.

Q. Well, when you speak of substitutes, restoring substitute service, will you tell the Court what you mean? A. Yes. In the area of substitute teachers, we just simply do not have a large enough budget to provide all the substitutes that are needed on a day to day basis. We have anywhere from 100 to 150 unfilled substitute calls a day. That means that these are classrooms that do not have a substitute teacher covering that class. Now, what happens in those instances is that there would be either an assistant principal or some other administrative person in the school that covers the classroom in the absence of the regular teacher.

• • •

Q. Now, you mentioned text books. What are you referring to there? A. The budget appropriation for text books and supplies in the current fiscal year 74-75 is about one-half of what it was in the 1970-71 budget because in January of 71, the [131] Board imposed the survival plan, and the budget for text books and supplies was cut from about 7.2 million dollars down to approximately 4 million dollars. So, now we're operating at 4 million dollars. The inflationary increases that have occurred since that time, makes that budget not simply one-half of the 70-71 budget, but probably about one-fourth of the 70-71 budget. The purchasing power of the State of Michigan, number of dollars—

Q. According to Exhibit 6, you had 289 thousand students, 457, and in 74 you had 257 thousand. You don't have one-half

the number of students now, do you? A. Certainly not. And of course, costs have gone up disproportionately to that drop in enrollment.

Q. Am I correct that under State law, the Board of Education has to furnish free, supplies and text books to all pupils? A. That is correct.

Q. And the 7 million dollars you're talking about restoring, the cuts from 73-74 budget would go to text books and supplies? A. Yes, in part.

Q. Plus substitutes? A. Plus substitutes, plus equipment.

Q. I want to talk about building and operations. What are you talking about restoring there? [132] A. In that area, we'd be talking about providing adequate maintenance for grounds, for just simple things like grass cutting, maintaining our athletic field. We've got painting of buildings that at one time were supposed to be on a five year schedule. It's now on a nine or ten year schedule. We'd be talking about trying to improve our schedule on building maintenance in the painting area. We would also be talking about providing more timely maintenance to just things like repairing roofs, repairing toilets, other things of this nature, that because of an inadequate budget, we've just not been able to do on a timely or responsive basis. And of course, this contributes, frankly, to the health and safety of the children.

Q. And you're just restoring this to 73-74? A. That's right.

Q. You mentioned the survival budget of 71-72. Is it my understanding that this budget is continuing on? A. Yes, it is. It started in January of 71 and that year, about 16 million dollars was cut out of the budget. And since that time, we

have not been able to restore any of those services. We have continued those cuts. There have been additional economy measures instituted since then and, of course, the most recent one was the emergency cut in 73-74.

[133] Q. Does that include the failure to fill positions like in curriculum supervision? A. That's right. A number of positions have gone unfilled and we have saved—we have realized savings by attrition and leaving positions vacant. And in many cases, these are positions that are very important, really, in terms of providing educational services to youngsters.

• • •

Q. Now, going back to the budget as it is now proposed. If you did not restore the cuts of the 73-74 budget, which in turn was already a survival budget, then we would get [134] down, do I understand it, to a deficit of 21 million dollars? A. That's true.

Q. Now, I would like to know if, as the Chief Fiscal Officer of the Detroit Board of Education, you are telling this Court that for the coming year, in order for the Board to continue its current reduced program, taking into account the some 8 thousand students attrition, as matters now are projected, you're projecting a 21 million dollar deficit? A. That's correct.

Q. And it would be 28, if you restored the minimal services? A. That's correct.

MR. ROUMELL: Pardon me, Your Honor.

Q. Mr. Sutton, based upon our just completed discussion, could you tell us whether the Detroit Board of Education can financially continue a balanced budget and keep the same



services it had in 1974-75 school year, finance any additional transportation over that which it is doing now? A. No, we cannot.

Q. Can you tell us whether or not, in restoring the in-service component of the Board's desegregation plan, in-service for the purposes of training teachers and staff in relation to desegregation, whether or not the Board, within its [135] current projected budget, is able to provide the funds and continue its current level of services to the students in the Detroit school system? A. We certainly can't, no sir.

Q. Could it provide—the budget calls for 4 million 200 thousand dollars. Could it provide that for in-service training and keep the same level of services? A. Definitely not.

Q. And when you make that answer, you are factoring in the 8 thousand children that, based on our previous projections, would not be in the system? A. That's correct.

Q. Could it provide 250 thousand dollars and continue the present level of services? A. No, we couldn't provide anything above and beyond the present level, if we can even do that, next year.

Q. What do you mean by that? A. Well, we're talking about a potential deficit of 20 million dollars.

Q. Without restoring service? A. That's right. We're talking about a requirement to adopt a balanced budget. So, between now and July 1, we're going to have to close that gap of 20 million dollars some way, some how and we're already operating on a bare bones budget. [136] So, we certainly can't increase anticipated expenditures next year when we don't even know where we're going to find the money to just continue what existed this year.

Q. Would that apply to funds for four additional vocational centers? A. That would apply to those funds and any other funds, any other requirements.

Q. So, you're telling the Court that any of the components that the Board has proposed in the transportation as matters now stand, the Board cannot continue its present level of services to the Detroit children and finance any of the components in this plan, is that correct? A. That's absolutely correct.

Q. And that includes the transportation component, is that correct? A. Yes, that is correct.

• • •

[138] Q. And Mr. Sutton, so the record will be clear, last year did you end up with a surplus in your budget? A. Yes, we did have a budgetary carry over at the end of the 73-74 school year of approximately 5 and a half million dollars.

Q. What did you do with that? A. Those monies budgetarily are considered as available resources for allocations. During this current fiscal year, we have allocated much of that and by the end of this fiscal year, all of those funds will be allocated to necessary expenditures incurred in 74-75 that were not anticipated at the beginning of the year.

• • •

[143] Q. Mr. Sutton, going to Exhibit 40. We have identified it as the Millage Votes since 1966 to '74. Now, in that period we have had nine votes. One, two, three, four, five, six, seven, eight, nine, according to this chart. A. That's correct. If I may clarify your addition. On a couple of those votes, there were two, actually two proposals on the same ballot.



Q. You're speaking about five seventeen in August of '72? A. That's correct. There were two questions on millage at that time.

Q. That was in May, '72, we have a renewed five mills for two years? A. That's correct.

Q. And that was voted down, is that correct? A. That's correct.

Q. And in also the same time you add five mills for two years. That was voted down? A. That's correct.

Q. So, in that particular case, you have a renewal and an addition of five? A. Yes.

[144] Q. Both were voted down? A. Yes.

Q. So, of the total of ten propositions in eight years, during this time, seven of those propositions have failed, three have passed. A. That's correct.

Q. And September, '73, you had a passage of replacing the 1 percent income tax with seven mills for five years, is that correct? A. Yes.

Q. And this 1 percent income tax, you were permitted to levy that by virtue of Public Act 1 or 2 of '73? A. Correct.

Q. And then you had a renewal of 7.5 mills for ten years? A. Yes.

Q. And the last—and that was in March, '74. Then in August '74, the Board went back to the citizens for an additional five mills? A. Yes.

Q. And was that defeated? A. That was defeated, yes.

• • •

A. • • • [146] In Detroit, the county taxes, as shown 7.07 mills, the State wide average is 6.18 mills. So, Detroit is about 14.4 percent higher in that category. For school taxes, this is the local, the intermediate school district as well as the community college. Total millage in Detroit 28.14 mills against the State wide average of 32.42 mills. So in Detroit, school taxes are actually lower than the State wide average by about 15.2 percent. Looking at the municipal taxes, municipal property taxes, city of Detroit in terms of the school district here, the village township taxes on the State wide averages as well as other municipalities, 30.16 in Detroit, 12.24 State wide average. Detroit is about one and a half times higher than the State wide average in terms of local taxes, 146 percent higher. So, looking at total property taxes, Detroit taxpayers pay 65.37 mills as compared with 50.84 mills as a State wide average or 28.58 percent higher. Extending that down into non-property taxes shown as a millage equivalent and for Detroiters that would relate to the 10 percent personal income tax as well as the utility taxes [147] which amounts to another 3 mills, the income tax is about 16 mills, utility taxes in Detroit equate to about 3 mills as an equivalent tax. 19.46 mills in Detroit, 3.68 mills as State wide average. The grand total millage equivalent of taxes paid by taxpayers of Detroit is 84.83 mills as compared with 54.52 mills as a State wide average or 55 percent higher than the State wide average. This is what's commonly referred to as the municipal tax over burden, which I believe other witnesses have spoken to, that is felt by residents of Detroit. When you compare the total taxes to the level of school taxes, school tax is not unreasonably high. As a matter of fact, as I have indicated, it's less than the State wide average. But when you add to that local school tax, all other taxes, you come to a total cumulative level

that is greatly in excess of the State wide average and what tax burden is felt by other taxpayers throughout the State. This is what contributes to the difficulty of raising taxes in Detroit for schools by an additional levy because the ordinary taxpayer is certainly most concerned about his total tax bill, and not necessarily about the school portion as it relates to other portions of that tax.

• • •

[148] Q. And on the bottom of the chart, I see you have a memo and what is that memo? A. These are the total taxes excluding the school taxes, all city, village, township property and non property for Detroiters, 49.62 mills. Statewide average 15.92 or 211 percent higher. This relates to the non school taxes that are paid by residents of Detroit, as compared with the State wide average of the same types of facts.

• • •

[150] Q. Mr. Sutton, on the millage that is being paid for school taxes, comparing now 1974 to the—back through the history that we have, going back to 66. As compared to 1966, how many more mills are the citizens paying in Detroit? A. Using, say the November 1966 as the point of comparison, taxpayers today are paying 2 mills more in property taxes than they were paying in November of 1966. 12.5, the last column over there shows the resulting amount of voting millage. In November of 1966, with the passage of the 5 mills, voters were paying 12.5 mills at that time, of extra voted millage. In 1974, with the defeat, in August, of the additional 5 mills for 5 years, voters were paying • • •

• • •

[151] Q. Now, this—under present law, am I correct that the Detroit Board does not have power to levy an income tax? A. Under present law we do not have the power to levy income tax.

Q. And the power to levy income tax, back in '73, was the result of special legislation? A. That is right.

Q. And that was tied into the deficit? A. That's correct.

• • •

[157] Q. What is the percentage of the current budget from the State aid? A. In our current operating budget, about 47 percent comes from State aid. It's about 155 million dollars this year out of a total budget that would include our Federal programs and also our food service program, which is about 310 million dollars.

• • •

Q. Mr. Sutton, just to clarify it for the record and for the Court. What is the bonding capacity of the Board? A. The bonding capacity, by law, is 5 percent of our State equalized valuation without a vote of the people. So converted into dollars, let's just say the SEV, State Equalized Valuation, is approximately 6 billion dollars. 5 percent would be 300 million dollars. That's our total bonding capacity.

Q. And what, under State law, can that bonding capacity be used [158] for? A. That's used for capital construction purposes, new school construction and additions to school buildings, other ancillary facilities and modernization, and alterations.

Q. Can it be used for operating costs? A. No, it cannot. We are restricted from diverting bond proceeds or any funds in what we call our building and site fund, to general operating purposes.

Q. That's restricted by law? A. Yes.

• • •

(Cross Examination by Mr. Dziamba)

[162] A. No, the Library has been receiving the 64 hundredths of a mill allocated directly by the Wayne County Tax Allocation Board. What this does is provide for what is called a pass through of those funds to the Detroit Board. And we in turn, pay it over to the Library. The 64 hundredths of a mill is really part of the allocated millage that Detroit should have been receiving. That 64 hundredths of a mill, a number of years ago, was diverted from the school district and paid directly to the Library. This is just legalizing the arrangement and saying that that is legally due to the Library. However, since it is, and should be allocated to the Detroit Public Schools, we will do so, and the school district will pay it over to the Library.

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WEDNESDAY, JUNE 4, 1975

(Vol. XXV)

CLEMENT SUTTON (continuing)

. . .

(Cross Examination by Mr. McCargar)

[Vol. XXV 28] THE COURT: You are four mills under the state average, aren't you?

THE WITNESS: Yes, that's the 28.14. But that 28.14 includes a couple of other items. The school portion of that 28.14 in 1973-'74 was 27.80 mills, just the school portion of that 28.14 mills.

THE COURT: And that 28.14 mills is—

THE WITNESS: Just the Detroit school district portion of the 28.14 was 27.80. There was another—

THE COURT: That's because you deduct this amount you are talking about, the .64?

THE WITNESS: Yes.

. . .

[38] Q. Under "Instruction" you show an increase of 28 million dollars between 1974-'75 and it's based on actual experience and your proposed budget. What does that figure represent? A. Well, it falls in two or three general categories, and I did not bring a detailed analysis with me that we have made of these entries of number one. I can just generalize on the number one. And the biggest part of all the increases [39] shown here in that column four relate to salary increases or at least some provision for contracted negotiations and salary increases. Also for payment of increments, salary increments. Also for certain improvements in services and—

. . .

A. As I said, I can't give you the detailed figures in terms of how much of that 28 is for each type of increase. But I'm saying to you generally that the increases fall into several categories, the biggest one being negotiated contracts and the salary increases that would be applicable. Number two is for wage increments that are paid to all employees. Number three is for requested improvements in services and restoration of instructional services at the region and central office levels.

. . .

Q. Is it fair to say that the most money has been budgeted for potential salary increases? [40] A. Since salaries represent 85% of our budget, I think it's fair to assume



that that would represent the largest single item in any increase, yes.

. . .

[41] Q. Under the figure of "Operations," you are proposing a seven million dollar increase. That also comes in terms of increased wages or increased personnel. A. No. The primary increase is in the operation area relating to the inflationary increases and increased cost of utilities particularly that we have experienced and anticipate experiencing in 1975-76.

. . .

[58] A. In large urban areas, the cost of services is higher. That does not mean that greater services are being provided. It means simply that the same service costs more money in Detroit than in other areas that are not of a similar urban nature.

. . .

(Redirect Examination by Mr. Roumell)

[80] Q. Could you tell this Court exactly the taxes that the Detroit Board is now certifying to be levied? A. Yes, I can. They are levying 8.01 mills as our allocation from the Wayne County Tax Allocation Board.

Q. That's what the Wayne County Tax Allocation Board levied? A. Right. As part of the 15 mill constitutional limitation.

Q. Okay. A. They are levying 14.5 mills in extra voted millage.

Q. And I'm referring to Chart 40. That's the last figure here, 14.5? A. That's correct.

Q. That's voted by the people? A. That's voted by the people.

Q. 8.01 is from the past allocation. Now, that gets us—  
A. To 22.51 mills. That represents our sort of a subtotal of the millage levy for operating purposes on local property. 22.51 mills.

Q. And the state average is 26.16. That has been testified to in this case. A. That's right. In addition to the 22.51 mills, there is a two and a quarter mill levy for retiring the operating deficit of the school district as authorized by legislation [81] in 1973, Public Acts 1 and 2.

Q. That gets us to 24.76. A. That's correct.

Q. The statewide average is operating at 26.15. So according to my math, the difference between 24.76 and 26.15 is 1.39 mills. A. Let me just further clarify that. I mentioned a moment ago that the two and a quarter mills does not produce any local revenue for operating expenses. That revenue is used solely for paying off that revenue deficit but cannot be used for operating expenses.

Q. But the citizens of Detroit are paying that now? A. Yes, sir.

Q. For that 68 million dollars we spoke of? A. That's right. Of course, there's another levy in addition to the 24.76 for bonded debt retirement purposes.

Q. What is that levy? A. That is 3.04 mills. I think that's a total of 27.80 altogether.

. . .

[88] Q. In Detroit, is it not correct that we have the largest

number of indigent students in Wayne County? A. Yes, very definitely. And very, as I indicated, do not use buses. We provide the bus tickets. And of course that increases our cost also in terms of total dollars.

• • •

FRIDAY, JUNE 6, 1975

(Vol. XXVII)

AUBREY V. McCUTCHEON, JR., having been duly sworn

• • •

(Direct Examination by Mr. Atkins)

[Vol. XXVII 71] THE WITNESS: • • • It is my opinion that acts of segregation are continuing; that you can't really classify them as past acts of segregation and talk in terms of reparations for past wrongs. It is almost like a continuing violation which is not corrected until something very definite and affirmative is done to correct it. And until such time as that is done, we can't refer to it as something in the past. It's something that through generations still exists. Now, what I'm saying is that there are schools in the city where black students will be in isolation and those black students are still the victims of segregations which is continuing because it has never been corrected. So, I'm talking about correcting current [72] violations in terms of the inequity of the educational opportunity provided to those children. This doesn't mean having X number of white or Latino or other pupils in those schools. I'm saying there are two violations that have to be corrected: one that can be corrected by Pupil Assignment, mixes and another that can only be corrected by taking care of the educational inequities that are provided to the children that attend those schools.

• • •

[86] A. • • • I thought you understood what I said earlier, that we're talking about all of the inequities being corrected in all the schools throughout the city because continuing segregation requires that we correct it. But I am suggesting there are two different ways: One you can do with pupil mix and other educational components. The other you are going to have to do simply by correcting the inequities by providing quality integration programs. But they are both remedies to the continuing violation of the constitutional mandate.

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MONDAY, JUNE 9, 1975

(Vol. XXVIII)

AUBREY V. McCUTCHEON, JR. (continuing)

(Direct Examination by Mr. Atkins)

[Vol. XXVIII 62] A. First of all, we need in-service training generally in order to help improve the quality of education. I'm talking about for employees, not just teachers. But in addition, going into a desegregation plan I think we have to try to determine just what the actual activity of teachers is going to be designed to accomplish the goal of making the plan work and there has got to be some training of individuals who obviously—some people who will never—[63] who have never worked in a school where there was a large black population, some of the schools that we are desegregating under the pupil assignment mix have never had large numbers of blacks in the schools, certainly not had large numbers of blacks that have come from the areas in the city unlike the areas in which the teacher is currently teaching. And this relates to both black and white teachers. And we need to be able to train those people in the techniques which are designed to help implement a desegregation plan.

Q. Would it be correct to say, Mr. McCutcheon, that a plan that did not include in-service training would, in your opinion, be an incomplete plan? A. Yes.

. . .

A. . . . [66] I think that the proper testing procedures are even more important in a desegregation setting because it can so quickly lead to resegregation of students if not properly applied.

. . .

[76] THE COURT: Well, let us assume that the school is 95 percent black, and let us assume that the fourth grade in that school had its range and it was, say a student fell within the 8 percentile. Now, if I understand it that means that 92 percent of the students did better.

THE WITNESS: That is correct.

THE COURT: Pardon me?

THE WITNESS: That is correct.

THE COURT: Now, as for those students that fell within the 8 percentile, is there anyone who examines these testing results to determine whether or not as to those particular students, in addition to what might possibly be a lower achievement level, that there might be something wrong with the program in the school or the fourth grade as a whole as it affects those particular students?

THE WITNESS: That is what should be done, Your Honor. That is what most likely is not done in most of the schools in the city of Detroit.

. . .

[77] THE COURT: Now, does the Detroit Board of Education devise remedial programs on the basis of this, or are there no remedial programs developed from these testing results?

THE WITNESS: There are some remedial programs, not nearly enough, and again, most frequently the tests results are announced some several months after the tests have been given, and business goes on as usual. What I'm saying is that that should not happen anyway, and certainly under a desegregation plan, it should not be allowed to occur.

MR. ATKINS: Your Honor, may I call your attention to page 223 in the Board's plan where it addresses, to some extent, part of the questions being raised by the Court. Beginning with the first paragraph where it says, "Special education is a particularly damaging example of the use of tests to track children and the special educational classes for the emotionally, mentally retarded show a disproportionately large number of black students among those labelled as retarded by [78] clinical measures." And it goes on to give some data there. Then, if you will go down to the last sentence in the section says, "These statistics indicate that black children are being discriminated against in testing and placement procedures." And the next paragraph deals with placement. "Children in special education are unable to get out of a trap, once placed there because of the low frequency of re-test." So that once a child has been assigned to a remedial class as a result of tests, because as the witness has testified, there is such a low frequency of retesting, any additional errors made in that assignment, are not caught, or corrected. Similarly, I think this material suggests, as Your Honor was suggesting, the assumption is that if the student achieves poorly on the tests, it's the student's fault rather than there being any systematic way of re-examination of the testing process or the testing instrument to see if perhaps, one or the



other of those were at fault rather than the student. So Your Honor's questions are, in fact, partially answered in the materials supplied by the Board's component on testing. . . .

. . .

TUESDAY, JUNE 10, 1975

(Vol. XXIX)

ROBERT N. McKERR, having been duly sworn

. . .

(Direct Examination by Mr. McCargar)

[Vol. XXIX 153] Q. Will you describe the sources for school district funds in the State of Michigan? A. Yes. There are two primary sources and then a third minor source. The two basic sources are local property tax revenues raised by local Boards of Education levied and collected locally. A second major source is the State school aid which is distributed under the provisions of the State School Aid Act. A minor revenue source are federal funds.

. . .

[155] Q. Mr. McKerr, you mentioned the State School Aid. Will you tell me what the source of the State School Aid is? A. Yes. The State School Aid fund is a constitutional fund and it is comprised of 60 percent of the sales tax revenues, collected in the State of Michigan plus a small portion of the liquor excise tax and the cigarette tax. In addition, as long as I have been associated with the State Department of Education, it has been necessary for the legislature to authorize a general fund transfer because those revenues [156] from the earmarked sources have not been adequate enough to pay out of the State School Aid Act itself as enacted into law by the

legislature. So they have supplemented school aid from earmarked revenues from the general revenue fund of the State.

. . .

[168] THE COURT: Well, they received that as the computation of 92 percent of 75 percent of the amount.

THE WITNESS: That is correct.

THE COURT: There was some testimony here that the city of Detroit was restricted to that 92 percent of 75 percent, where as other school districts [169] were reimbursed 75 percent, the entire 75 percent.

THE WITNESS: The facts are that Detroit and a number of other city school districts were reimbursed at 92 percent of 75 percent, which is for what is called in-city transportation. The other school districts in the state did receive, under the State School Aid Act, reimbursement for the full 75 percent. This occurs because there are separate appropriations for in-city transportation and for what we in the Department call regular transportation, including all other transportation.

. . .

THURSDAY, JUNE 12, 1975

(Vol. XXX)

CHARLES PHILIP KEARNEY, having been duly sworn

. . .

(Direct Examination by Mr. McCargar)

[Vol. XXX 94] Q. By whom are you employed? A. By the Michigan Department of Education.

Q. In what capacity? A. I'm an Associate Superintendent for Research and School Administration.

Q. How long have you held this position? A. I have been with the department since July of 1968, approximately six and a half, going on seven years.

Q. And how long have you held the position of Associate Superintendent? A. I have been an Associate Superintendent with the department since July of 1968.

Q. And how long have you held the position of Associate Superintendent of Research and Administration? A. Since approximately spring of 1971.

. . .

[99] THE COURT: He has been offered as an expert in research and school administration.

MR. McCARGAR: Educational research and school administration. I will so offer him. • • •

THE COURT: I will accept him as such. Is there a need for voir dire now?

. . .

[115] Q. And is it fair to say that in-service training is done for educational purposes and not desegregation purposes. • • •

[116] THE WITNESS: No, I don't think so, Mr. McCargar.

. . .

THE WITNESS: Let me explain my answer. All school districts, all 530 K-12 districts plus the 60 some non K-12 districts hopefully do engage in in-service training activities for

all their professional staff. But I think in addition we have the experience of other school districts in the State of Michigan who are, or have undergone desegregation plans. And I'm quite certain that at least some components in their in-service training program are directly related to preparing the staff for that.

THE WITNESS: Yes, I would agree with that.

THE COURT: What else do you think [124] specifically, Dr. Kearney, ought to be in an in-service training program?

THE WITNESS: In terms of a desegregation effort?

THE COURT: Yes. I trust, of course, that the Detroit Board of Education as well as the Michigan State Board of Education are well familiar with in-service training programs that are designed to improve the teaching qualifications of a teacher or any para educational help. Specifically, in a desegregation program, what are some of the things you might suggest to in-service training to be added to what they are doing now, not subtracted from, but added to? • • •

. . .

THE WITNESS: I'm sure there are a number of things, I'm sure one would be interested in creating an awareness, if it wasn't there already, among teachers and professional staff about the cultural diversity [125] of this country, of this city, and of the fact that that different cultures certainly have heritages certainly ought to—the teacher, the professional ought to have an appreciation for those heritages and ought to be able to capitalize on kinds of differences, rather than look upon them as negative kinds of factors in dealing with children.

. . .

[126] Q. Now, let me call your attention next to the guidance and counselling aspects of the program, or the proposal. I think the State Board critique indicated that there should be some emphasis on guidance and counselling, is that correct? A. Yes, sir. Once again, the State Board and the Superintendent indicated that guidance and counselling appeared to deserve special emphasis in a desegregation effort. We also add that it certainly deserved emphasis in any school district in the State of Michigan.

. . .

[129] THE COURT: But you say in your critique, Dr. Kearney, a revamped guidance and counselling. And I am not sure that I understand precisely what implications you have for that word, revamped.

THE WITNESS: Let me attempt to explain what we were saying in the critique, Your Honor. We were saying in terms of the 13 components identified as quality educational components that first of all, in a general sense, our view, and from an educational point of view, eight of those 13 deserved special emphasis. We then went on to indicate that it was especially difficult for us as a third party, to make any judgments either about the adequacy of the true cost estimate that was being proposed in any one of those eight components. We support the notion of a guidance and counselling effort. We think it certainly does have a relationship in the desegregation effort, we think it deserves special emphasis. Whether or not that ought to be elementary school counsellors in every elementary school building, very honestly, I'm not certain.

. . .

Q. Do you wish to continue. And when you say preparing the staff for that, preparing the staff in what respect? A. Well, I suspect when one undergoes a desegregation effort

that you have the movement of a number of pupils from different areas of the city or different areas of the school districts. And it seems good judgment to prepare teachers, as well as other professional staff who are going to meet these children when they come in the school, to be prepared and ready to work with those children and hopefully end up [117] with a successful experience.

. . .

Q. Now, have you had a chance to review the budget for in-service training that was submitted by the Detroit Board of Education? A. Yes, sir. And the preparation as part of my work or the critique that was prepared for this Court by the State Board of Education and the Superintendent of Public Instruction, I did indeed, review that component.

THE COURT: Did you write the critique?

THE WITNESS: I wrote portions of it, [118] Your Honor. Other portions were written by other people on our staff. I had the responsibility for the overall coordinating and preparation of the critique.

. . .

THE COURT: Now, I notice in this plan, as I pointed out the other day, that you list in-service training among the one that is of primary importance.

THE WITNESS: We identified eight of the 13 components as deserving special emphasis in a desegregating effort, and in-service training was one of those.

. . .

[123] THE COURT: Well, specifically, would you accept the fact that one of the topics that ought to be emphasized



in in-service training are topics that are designed to identify racism?

THE WITNESS: Yes, sir. I think under a desegregation effort, I would put primary emphasis on that kind of an aspect as well as any other aspect which would promote a successful desegregation program in terms of the interactions and sensitivity and empathy that teachers and other non professionals in the school system ought to have if the program is going to be reasonably, or have a reasonable chance for success.

THE COURT: All right. And of course, that ought to also include the various psychological considerations for teachers moving into a desegregated program?

THE WITNESS: Yes, sir.

THE COURT: In other words, it ought to make a teacher aware that that you are not teaching black students, or white Americans, you are teaching just plain students?

[138] Q. And with reference to the curriculum design component, would you require special emphasis? A. We identified that as one of the eight components that ought to be given special emphasis in fashioning a desegregation plan and carrying one out. The curriculum design, of course, is the heart, hopefully of what goes on in a school and we felt that wasn't a single or exclusive component, but was a component that tied in very closely with in-service training, tied in very closely with many of the other components. And we saw it deserving special emphasis. We see it deserving emphasis in any school district in the state to take a continual look at what it is doing in terms of the programs they are offering to young people and the way they might improve that.

• • •

[140] Q. And will you tell me why you thought curriculum design deserved special emphasis in the desegregation setting?

A. As I indicated previously, we felt that curriculum is the heart and soul of what goes on in a school and that attention ought to be paid to the programs that are put together, the programs that are being offered to the children involved in the desegregation effort. And the primary purpose of the children being in school is to receive an education. And the curriculum is the vehicle which provides that.

Q. And I'm still trying to tie in, if I may, why this is some [141] different in a segregated situation as opposed to one that is not. A. Well, it may not be different. What we're suggesting here once again, is this is an area that all school districts in the state of Michigan, all schools ought to pay close attention to continually. We felt that in a desegregation effort, however, it was an area that always deserved some special emphasis because, to the extent that the desegregation effort would prove successful, we felt that it would be enhanced if improvements needed to be made in the curriculum. They may not need to be made if they didn't see fit. It was incumbent that that curriculum be prepared, and if possible, improved.

• • •

(Cross Examination by Mr. Dziamba)

[177] Q. The phrase used in the critique with respect to the educational component is "deserving of special emphasis."

• • •

[178] Q. The phrase that I'm referring to appears, for example on page 39, among other pages and it states, "deserves special emphasis in connection with the implementation of a desegregation plan." A. Right.

Q. Whatever went on in a general sense in the educational system, they deserved special emphasis whether with respect [179] to the implementation of a desegregation plan, is that correct? A. We were saying in affect, two things. All thirteen deserve attention in any educational program in the state, in any district. These eight in particular, deserved some special emphasis in implementing a desegregation plan.

Q. Is it your opinion as an educator that the eight are required in the effective implementation of the plan, not from a local point of view, from an educational point of view. A. From my point of view, I guess I would answer that out of those eight, some of them—for example, in-service training, in my mind certainly would be required. Some of the other components I'm not sure would be required in an absolute sense. Once again, I think certainly would deserve some emphasis and review, and undoubtedly might enhance the possible success of a desegregation plan.

Q. Can you look on the list on page 36. In reviewing those, what other ones, in your opinion, would you say are required for implementation of a desegregation plan? A. In terms of my own personal opinion, the first one would be in-service education. The next one, while I have some reservations about that in terms of what the Detroit Board's plan involves, I do think probably would be required, and that's [180] in the area of student rights and responsibilities. I would feel fairly strongly, I think, personally about six and seven in terms of involving the community and parents in that effort. And as I indicated earlier, I think I would certainly think that real attention ought to be paid to setting up, if they're not already there, good curriculum programs. And I think that that's also really speaks in part of twelve and thirteen.

Q. All right. In your opinion, in the curriculum design

program, is that—would that include a reading component?

A. If I were interested in setting up an adequate curriculum, it certainly would.

. . .

[184] Q. I understand. But the use of testing may have discriminatory affects. Do you agree with that? A. Yes, I think there's ample evidence there, probably more so in the area of special education than in terms of what you might call general education.

Q. And in light of that opinion, would that not have a direct relationship to desegregation? A. In my opinion, at that time, and I think at the present time, it did not have a direct relationship to the plan as being proposed by the Detroit Board of Education.

Q. Would you see a direct relationship without regard to the specific narrative of the Board; do you see a direct relationship between testing and desegregation? A. If test results were inappropriately used to categorize children into special education programs and most of those children happen to be black as a result of that kind of use, yes I think it would have certainly a discriminatory affect and it would have a negative affect, I'm sure on any kind of desegregation plan being implemented.

Q. And the statement would be true with respect to aptitude and achievement testing if those results were being used in a discriminatory manner, isn't that correct? [185] A. If they were being used in a discriminatory manner, I would think so.

. . .

[186] Q. Okay. With respect to in-service education, you agree, I believe in response to the Judge's question, that it



should put primary emphasis on racism identification. Do you recall that? A. I think I said that certainly that should be included in that component. If I recall my testimony correctly, I was saying that we thought in-service training deserved special emphasis, particularly in the area of preparing professional and non professional staff for a desegregation program which would include the identification of racism which would include the recognition of different contributions of cultural groups in society, and so forth.

. . .

[187] Q. Would the racism identification be valuable in terms of in-service education for those teachers? A. Yes, it would. But once again it would in light of my previous comments that it would be valuable for all teachers in this school district, or all teachers in any school district in the state of Michigan.

Q. With respect to a desegregation plan, what is your opinion? A. That it's highly desirable and probably required for those schools that are going to be involved in the actual pupil assignment plan. And I guess desirable for the remainder of the schools, and make a differentiation, I think.

Q. In your opinion, would—strike that. Well, we'll go on to another one. With respect to guidance and counselling, you stated that it did have a relationship to a desegregation effort. Can you briefly tell me what that relationship is?

. . .

THE WITNESS: In the critique, as [188] you are aware, we indicated the State Board and Superintendent indicated that that was an area that deserved special emphasis. My earlier testimony, in response to his Honor's question, from a personal point of view, from—in the area of guidance and

counselling, I would put much more if not exclusive emphasis on the secondary level from the grades 7 through 12.

Q. I think—do you feel that without adequate guidance and counselling, there's a tendency to stereotype students of particular jobs or vocations, based on race, for example?

A. I certainly think that's been done in the past. But I think it's also been done or one of the fine cases where guidance counsellors themselves have been involved in that kind of activity.

Q. Yes. I—so that the guidance and counselling would, with relation to a desegregation plan, would try to guard against that, or at least to train those counsellors to be aware of that particular tendency, is that one of the aspects of it? A. I suppose so.

. . .

[191] Q. All right. So, that the dollar with respect to guidance and counselling, of course we're talking in terms of a desegregation plan and its relatedness to desegregation although you wouldn't spend that dollar below grade 7, you think that some of the same kinds of functions should be taken care of by other components, for example in-service component? A. Yes. Some of the functions that I identified, and you identified.

. . .

Q. With respect to curriculum design, can you briefly indicate why you believe that that is deserving of special emphasis in a desegregation program, what would it accomplish with respect to implementation of the plan? A. As I indicated earlier, the curriculum design or the curriculum is the primary vehicle by which educational [192] services are provided to children. And to enhance the success of any kind of an effort, and in this instance a desegregation effort, I would feel, and



the critique also states that review, improvement is necessary of the curriculum or curricula ought to be taken if they haven't been already.

Q. I understand in a—given particular connection with respect to implementation of a desegregation plan. A. We felt from an educational point of view that—and looked at what was going on in terms of the program being offered and the possible improvement of those programs would simply be a positive note and enhance the likely, or the possibility of success for the pupil reassignment plan. You put the children into school rooms and in the schools for a purpose. The primary purpose, I think, is to provide them with an education. The curriculum is supposedly the primary vehicle for that.

Q. Do you view it as a means of repairing damage done by segregation, for example? A. I suppose you could certainly. I think you're attempting to address a number of things with the curriculum. You're attempting to address problems that a child might have in achievement which may or may not in part, be due to a segregated situation.

[193] Q. Is that your opinion. A. Yes.

• • •

(Cross Examination by Mr. Roumell)

[207] THE COURT: • • • the father who would never be able to get there in the afternoon?

MR. SACHS: As a matter of fact, Your Honor, I understand it does work and beyond these regularly prescribed times, parents visits to the classroom are expressly encouraged.

THE COURT: Pardon me?

MR. SACHS: In addition to prescribed general meeting time of parent teacher conferences, parent visits are encouraged without waiting for any periodic • • •

• • •

[208] Q. My question is you testified—we're talking about all the components you refer to that should have deserved special emphasis. You were talking about those components contributing to the success of a desegregation plan. A. Yes, sir. We said they deserve special emphasis in implementing a desegregation plan.

Q. And the answer is yes to my question? A. Yes, sir.

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RONALD BRADLEY and  
RICHARD BRADLEY, et al.,  
Plaintiffs,

v

WILLIAM G. MILLIKEN, Governor  
of the State of Michigan, et al.,  
Defendants,

DETROIT FEDERATION OF  
TEACHERS, LOCAL 231, et al.,  
Intervening Defendants.

No. 35257

EXCERPTS FROM TRANSCRIPT OF  
PROCEEDINGS—VIOLATION HEARINGS

TUESDAY, APRIL 27, 1971

(Book 8)

ROBERT GREEN, having been duly sworn

• • •

(Direct Examination by Mr. Lucas)

[874] THE COURT: Well, this is the reverse of the previous objection you made, as I recall.

MR. BUSHNELL: Yes. I might try it another way before the morning is over.

THE COURT: I will be consistent; I will rule against you. You may answer that. I hope you understand the question. Are you asking this witness whether as a result of the information which is depicted in these graphs he is able to project backwards?

MR. LUCAS: Yes, back to the entry level of the child when he started at the first grade.

THE COURT: Meaning kindergarten.

MR. LUCAS: Ordinarily we have Metropolitan Readiness Tests given in pre-school and first grade. We don't have that data available.

MR. BUSHNELL: I do object unless a foundation is laid as to how Dr. Green can project back.

THE COURT: I do overrule you. You may inquire later the basis for the doctor's answer, if he has one.

A. There are two ways to approach the question. There is a major national body of data from men such as Otto Klineberg, Dr. Havighurst at the University of Chicago and Kenneth Clark in New York and many others which support the point of, very very [875] strongly, that there tends to be little discrepancy between black and white youngsters at the point of entry into the public school system, namely, at the first grade level. The discrepancy begins to appear once the youngster is involved in an educational program it becomes increased over time. Sometimes it is referred to as a systematic decline in achievement over time on the part of blacks and an increase in achievement over time on the part of white youngsters. So what we find is very little difference at the point of entry and the discrepancy comes over time as the youngster moves through the academic program. So what we

have is something like this. A departure in gains for over time. We don't have, first, second or third grade data here, but we have fourth, sixth and eighth grade data and we will find that as the youngster moves, as depicted here, across grade levels over time there is an increase in the discrepancy between the academic achievement of black and white youth.

Q. When you say "here," where do you mean? A. The Detroit data, the mean grade equivalent of reading.

Q. What exhibit number? A. This is exhibit 134-A. One could infer that the Detroit data probably approximates a national body of educational achievement data.

MR. BUSHNELL: Excuse me. I will object [876] to any inference.

MR. LUCAS: Your Honor, I think an expert is qualified to give an opinion.

THE COURT: Yes, that is what I understand he is on for. He may state his conclusions, unlike other witnesses.

A. One can infer, or perhaps I should say it is my opinion that one can infer that there was probably very little discrepancy at the point of entry of grade 1, or if there was a discrepancy it was minimal, but the discrepancy by the eighth grade is very dramatic and tends to increase over time. This data here approximates the kind of data that can be nationally referred to in terms of the discrepancy between black and white achievement and segregated schools over time.

Q. Dr. Green, is there any particular added importance with respect to reading tests as opposed to comprehensive tests? A. Not necessarily so. Again we can even go to the graduate level, moving apart from the public school system and we tend to find that black students who apply to graduate

schools who attended segregated black schools tend to not perform as well academically on such achievement or aptitude tests, in contrast to white students who at that time attend multi-racial schools, schools who are integrated.

. . .

(Cross Examination by Mr. Bushnell)

[1008] between black and white students as you find here between all black and white schools. One recent example was mentioned in yesterday's *Detroit News* from the Berkeley, California system. As schools are made more multi-racial, the kind of discrepancy that we find that exists here in terms of measuring academic achievement tends to become minimal. The gap closes, in other words.

Q. Before I ask you to return to the stand, I would ask you to explain to me why the Barton, a predominantly white school, is below city-wide average; why the Bennett, a 90 percent or more white school, is at the city average; why the Clifford, a predominantly white school, is even below the Barton at about 4.7; why the Logan, a predominantly white school, is below the city average; why the Maybury, a predominantly white school, and the Meinas, also a predominantly white school, are both below the city average? A. Well, there may be a combination of factors. Again I would like to refer to a pattern of achievement rather than achievement of a few selected schools. When you look at the pattern of achievement of white versus black schools, white schools far exceed said black schools in terms of academic achievement. You talk about selected white schools that are below the mean—I do not know where or how the Meinas or the Maybury, which is predominantly white is structured in terms of income. But, [1009] I would guess that it is a low-income white area.

Q. Yes, it is. A. I would guess that if you mix the



Maybury kids up with the McColl, which is predominantly white and way above the national mean, if you mix those very poor white kids with the very well-to-do white kids, you will ultimately see a change in their academic achievement, also.

Q. By the same token, if you mix low-achieving poor black kids with higher achieving rich white kids, you are going to have the same result, aren't you? A. Yes.

Q. Now, let me ask you what if you mix low-income whites with low-income blacks, both below achievers?

A. Some of the data out of California found that then you mix low-income whites with low-income blacks and both are low achieving that you do not find the change in academic achievement when you overcome both race and social class. I think this is clearly pointed out here in the *School Finance and Educational Opportunity Study in Michigan*, in which it states here on page 62 that social class or racial complexion as being the most important factor to influence educational output would be incorrect. Rather it can be said that both variables point to areas which need attention and remedy if educational opportunity in Michigan is to be made truly equal.

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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RONALD BRADLEY, et al.,

Plaintiffs,

v

WILLIAM G. MILLIKEN, Governor  
of the State of Michigan, et al.,

Defendants.

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No. 35257

DESIGNATED EXHIBITS FROM REMEDY HEARINGS

COMPARISON OF ABILITY TO TAX, PER PUPIL EXPENDITURES, AND EDUCATIONAL IMPACT  
FOR DETROIT, OTHER MICHIGAN DISTRICTS OVER 25,000 PUPILS, AND  
WAYNE, OAKLAND, AND MACOMB COUNTY DISTRICTS OVER 4,500 PUPILS FOR 1973-74

Office of Research, Planning, and Evaluation  
Detroit Public Schools  
✓ March 1975

Defendants' Exhibit 30a

FOREWORD

Detroit children continue to be deprived of an equitable opportunity for quality education. When compared to other school districts in Southeastern Michigan, the Detroit schools do not even receive equal dollars per pupil and certainly not the extra dollars per pupil that are needed in urban centers in order to provide equity. This report has been prepared in order to better inform citizens, educators, legislators and others interested in quality education in Detroit and Michigan.

The attached charts compare Detroit with Michigan school districts having 25,000 pupils and with Wayne, Oakland and Macomb county districts having 4,500 or more pupils, for the school year 1973-74. Comparisons are presented for factors relating to (a) ability to tax, (b) per pupil expenditures, and (c) educational impact.

The first column in each chart shows that, even though Detroit residents pay 20-30 mills more in total municipal taxes than most other districts, the Detroit schools have fewer mills for school operation than those districts. The primary consequence of this situation is that Detroit is at the low end of the range in per pupil expenditures even when compensatory education funds are included. When those special funds are removed from the comparison, the contrast is sharpened dramatically.

The lower per pupil expenditures result in a substantially smaller number of professional staff per 1,000 pupils and are a partial cause of the high dropout percentage and the low achievement level as shown in the last few columns.

Detroit parents rightfully believe that their children are as important as any children in the highest achieving districts in the metropolitan area. The first chart compares Detroit with those districts. The second, third and fourth charts given figures for Wayne, Oakland and Macomb counties. The fifth chart compares Detroit with Flint, Grand Rapids, Lansing and medians and ranges for Wayne, Oakland and Macomb counties.

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COMPARISON OF ABILITY TO TAX, PER PUPIL EXPENDITURES, AND EDUCATIONAL IMPACT  
FOR WAYNE COUNTY SCHOOL DISTRICTS OVER 4500 PUPILS, EXCEPT DETROIT  
(DATA ARE FOR 1973-74 EXCEPT THAT '72-'73 ARE LATEST AVAILABLE DATA FOR LAST TWO COLUMNS)



	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	Equiv. Mill- age Income	Util. Tax	Total Munic. Millage	School Operating Millage	School Debt Millage	Enrollment	SEV/Pupil	Average Teacher Salary	Total Expense/ Pupil	State Comp Inc/Pupil	Fed. Comp Inc/Pupil	Total, Less Compens. Inc/Pupil	Tchrs. Per 1000/Pupil	Prof. Staff Per 1000/Pup	Dropout Percentage	Achieve. Pup State Rank				
Berkley	0	0	63.69	34.53	1.28	7,026	19,226	13,725	1,230	0	25	1,205	48	57	1	59				
Birmingham	0	0	55.85	32.03	3.80	14,644	34,706	17,206	1,352	0	5	1,347	44	57	1	65				
Bloomfield Hills	0	0	58.85	31.53	6.50	9,925	35,562	15,215	1,500	0	5	1,495	44	57	1	65				
Clarkston	0	0	54.85	21.21	7.00	7,099	15,396	12,119	973	0	27	946	44	57	1	64				
Farmington	0	0	53.34	31.53	6.00	15,853	23,824	12,942	1,269	7	21	1,241	44	57	1	61				
Harbortown	0	0	62.21	30.53	2.00	7,319	21,254	14,076	1,440	0	23	1,217	48	57	1	53				
Hazel Park	0	0	60.32	27.53	6.34	7,931	16,447	13,279	1,136	0	37	1,069	49	57	1	53				
Irish Valley	0	0	46.61	27.93	7.30	9,243	17,558	12,076	1,087	0	17	1,070	38	57	1	44				
Like Orion	0	0	61.04	24.39	10.19	6,039	15,168	11,061	1,074	0	16	1,058	43	57	1	47				
Lanphore	0	0	62.80	32.53	7.23	5,251	30,846	14,574	1,278	0	14	1,264	43	57	1	53				
Oak Park	0	0	61.21	31.53	5.27	4,505	52,284	15,651	1,944	0	47	1,897	56	57	1	57				
Fontaine	8.08	0	64.91	24.53	4.00	22,109	29,358	14,601	1,360	0	9	1,320	38	57	1	57				
Rochester	0	0	47.26	26.93	7.00	9,888	23,629	13,150	1,108	0	9	1,099	39	57	1	60				
Royal Oak	0	0	53.93	27.78	1.58	16,024	24,218	14,856	1,316	0	60	1,256	46	57	1	52				
Southfield	0	0	49.54	27.53	3.25	14,764	42,587	13,507	1,374	0	13	1,361	58	57	1	64				
Troy	0	0	59.35	28.33	7.20	8,210	37,615	13,257	1,260	0	22	1,238	43	57	1	58				
Walled Lake	0	0	49.51	28.11	5.00	11,348	21,097	13,373	1,248	0	73	1,175	46	57	1	42				
Waterford	0	0	51.00	30.53	7.00	17,975	16,133	12,756	1,112	0	35	1,077	46	57	1	47				
West Bloomfield	0	0	53.71	30.13	7.30	5,776	22,882	12,650	1,151	0	12	1,139	44	57	1	61				

COMPARISON OF ABILITY TO PAY, PER PUPIL EXPENDITURES, AND EDUCATIONAL IMPACT  
FOR OKLAND COUNTY SCHOOLS, DISTRICTS OVER 4500 PUPILS  
(DATA ARE FOR 1973-74 EXCEPT THAT '72-'73 ARE LATEST AVAILABLE DATA FOR LAST TWO COLUMNS)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	Equiv. Mill- age Income	Util. Tax	Total Munic. Millage	School Operating Millage	School Debt Millage	Enrollment	SEV/Pupil	Average Teacher Salary	Total Expense/ Pupil	State Comp Inc/Pupil	Fed. Comp Inc/Pupil	Total, Less Compens. Inc/Pupil	Tchrs. Per 1000/Pupil	Prof. Staff Per 1000/Pup	Dropout Percentage	Achieve. Pup State Rank				
Centerline	0	0	51.89	26.88	3.12	6,106	31,084	12,814	1,135	0	41	1,094	40	57	1	55				
Clintondale	0	0	55.89	33.58	7.00	5,585	10,620	13,235	1,119	0	46	1,073	41	57	1	47				
East Detroit	0	0	61.19	32.58	4.42	12,047	15,424	14,360	1,133	0	35	1,098	44	57	1	54				
Fitzgerald	0	0	52.83	27.58	2.21	5,334	37,103	14,986	1,314	0	28	1,286	46	57	1	54				
Fraser	0	0	58.11	30.10	7.60	8,232	16,841	14,552	1,026	0	18	1,001	38	57	1	51				
Lake Shore	0	0	60.91	28.58	7.00	9,582	10,402	14,229	993	0	10	983	37	57	1	53				
Lakeview	0	0	61.91	31.58	7.00	7,141	14,129	13,444	1,117	0	17	1,100	39	57	1	51				
L'Ange Creuse	0	0	50.88	30.02	7.70	8,422	18,505	12,617	1,117	0	49	1,068	42	57	1	51				
Mt. Clemens	0	0	61.87	32.08	4.76	6,151	19,055	13,974	1,276	0	18	1,158	46	57	1	40				
Romco	0	0	65.22	26.58	7.26	4,910	17,122	12,203	1,037	9	14	1,014	40	57	1	53				
Roseville	0	0	56.68	25.58	7.00	13,201	16,103	14,246	1,054	0	46	1,009	38	57	1	44				
South Lake	0	0	57.41	28.06	4.00	5,257	25,403	14,128	1,225	0	18	1,207	41	57	1	55				
Utica	0	0	52.47	26.24	7.42	25,713	18,396	13,032	1,032	0	23	1,009	41	57	1	58				
Van Dyke	0	0	62.44	31.58	7.83	6,656	26,446	14,959	1,032	0	30	1,292	48	57	1	47				
Warren Consolidated	0	0	55.16	26.58	7.00	34,080	21,902	12,306	1,084	0	21	1,063	41	57	1	58				
Warren Woods	0	0	55.61	25.58	7.00	9,223	12,725	13,206	1,005	0	11	994	44	57	1	58				

COMPARISON OF ABILITY TO PAY, PER PUPIL EXPENDITURES AND EDUCATIONAL IMPACT  
FOR MACOMB COUNTY SCHOOL DISTRICTS OVER 4500 PUPILS  
(DATA ARE FOR 1973-74 EXCEPT THAT '72-'73 ARE LATEST AVAILABLE DATA FOR LAST TWO COLUMNS)



Column 11	1973-74 total expense per pupil less both state and federal compensatory education income per pupil. (Note that some virtually insignificant problems could result from subtracting income from expenditures.) Source: Michigan Department of Education.
Column 12	1973-74 number of teachers per 1000 pupils. Source: Metropolitan Detroit Bureau of School Studies reports.
Column 13	1973-74 number of professional staff per 1000 pupils. Source: Metropolitan Detroit Bureau of School Studies reports.
Column 14	1972-73 percentage of student dropouts. Source: Michigan Department of Education.
Column 15	1972-73 average pupil percentile rank among all state pupils on grade seven composite achievement test score from Michigan Educational Assessment Program report.

DESCRIPTIONS AND SOURCES OF DATA (Continued)

DEFENDANTS' Exhibit 31

COMPARISON BETWEEN THE DETROIT CITY TAX RATE  
AND THE AVERAGE IN THE OTHER 20 LARGE CITIES IN MICHIGAN

	<u>Equivalent Mills</u>
--Lower per capita state equalized valuation	10.09
--Lower per capita yield from city income tax	5.30
--Services in Detroit not provided by most other cities	
--Health	2.45
--Hospital	1.85
--Art Institute, Zoo, Historical Museum, Civic Center, public transit, Recorder's Court	3.10
--Detroit per capita expenditure for police in excess of 20-city average	9.50
--Detroit per capita expenditure for sanitation in excess of 20-city average	3.10
Total Mills Above Items	35.31



Defendants' Exhibit 22

City Property Tax Rates, Millage Equivalent of City Income Tax  
& Utility Users Excise Tax & State Equalized Value Per Capita  
in Detroit and 20 Michigan Cities Over 50,000 Population, 1973-74

City	City Property Tax Rate	Equivalent Millage Income Tax <sup>1</sup>	Utility Tax	Total City Rate	State Equalized Value Per Capita <sup>2</sup>
Ann Arbor	18.25			18.25	\$ 5,661
Dearborn	20.21			20.21	9,868
Dearborn Heights	11.83			11.83	4,157
Flint	8.55	8.49		17.04	6,131
Grand Rapids	10.66	7.48		18.14	4,274
Kalamazoo	18.61			18.61	4,582
Lansing	10.77	8.24		19.01	5,359
Lincoln Park	15.76			15.76	3,549
Livonia	11.28			11.28	7,737
Pontiac	19.48	8.08		27.56	6,594
Roseville	15.89			15.89	3,813
Royal Oak	15.75			15.75	4,223
Saginaw	10.70	7.55		18.33	5,510
St. Clair Shores	17.12			17.12	3,539
Southfield	9.94			9.94	10,190
Sterling Heights	10.43			10.43	8,493
Taylor	14.04			14.04	4,953
Warren	14.82			14.82	6,271
Westland	13.03			13.03	3,957
Wyoming	10.55			10.55	5,709
20-City Average (Mean)	13.53	2.66		16.19	5,745
DETROIT	30.16	16.16	3.25	49.57	3,840

<sup>1</sup> Includes income taxes on resident individuals and corporations, excludes estimated non-resident collections.

<sup>2</sup> 1973 state equalized valuation divided by 1970 population.

Per Capita Amounts of Selected City Functions, Items,  
Detroit and All U.S. Cities by Population Size Groups  
1972-73

Defendants' Exhibit  
33

	All U.S. Cities by Population Size							
	1,000,000 or more	500,000 to 999,999	300,000 to 499,999	200,000 to 299,999	100,000 to 199,999	50,000 to 99,999	Less than 50,000	All U.S. Cities
General Expenditure- All Functions	\$357	\$681	\$427	\$328	\$325	\$280	\$229	\$158
General Expenditures: Common Functions	222	228	200	174	176	153	135	112
Variable Functions	134	453	227	154	147	124	93	46
Common								
Highways	14	20	26	21	25	23	22	22
Police	66	63	48	34	33	30	26	23
Fire	23	26	25	24	24	23	20	11
Sewerage	43	21	19	25	19	16	15	17
Sanitation	20	20	14	11	16	11	9	8
Parks & Rec.	17	13	22	20	20	17	14	8
Libraries	5	6	5	4	5	4	4	2
Financial								
Ad.	8	6	7	5	6	5	5	4
Gen. Control	8	13	12	6	8	7	7	7
Public Bldgs.	2	8	6	6	5	5	4	3
Interest	16	32	16	18	15	12	9	7
Variable								
Education	6	128	56	61	57	53	39	15
Welfare	3	135	44	7	9	6	3	1
Hospitals	20	56	27	8	8	7	7	7
Health	12	18	12	5	4	3	2	1
Housing & Urban Renewal	30	36	17	15	21	15	11	3
All Other	63	80	71	58	48	40	31	19

Detail may not add to total due to rounding.

Source: U.S. Bureau of the Census, "City Government Finances in 1972-73," Tables 4 and 5.

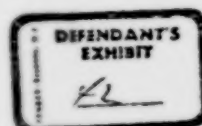
OFFICE OF FEDERAL STATE AND SPECIAL PROGRAMS

FEBRUARY 20, 1975

SUMMARY

1974-75 APPROVED FUNDS AND 1975-76 PROJECTED FUNDS

	1974-1975 APPROVED FUNDS	1975-1976 PROJECTED FUNDS
<u>ELEMENTARY AND SECONDARY EDUCATION ACT</u>		
<u>TITLE I (A)</u>	19,897,253	19,285,110
(B)	925,444	1,000,000
Carry Over	1,800,611 (Ex.)	3,000,000
<u>TITLE I SUB TOTAL</u>	<u>21,714,235</u>	<u>23,285,610</u>
<u>TITLE II</u>		
LIBRARY RESOURCES	831,451	850,000
<u>TITLE II SUB TOTAL</u>	<u>831,451</u>	<u>850,000</u>
<u>TITLE III</u>		
INNOVATIVE AND EXEMPLARY PROGRAMS		
Fine Arts and Communication Skills Program	202,794	202,794
INNOVATIVE AND COMPREHENSIVE PROGRAM FOR BILINGUAL STUDENTS	223,323	150,000
REGIONAL INTERDISCIPLINARY SERVICES TEAM PROJECT	176,574	83,000
SECTION 303(a)		
Guidance and Counseling	69,256	70,000
<u>TITLE III SUB TOTAL</u>	<u>671,947</u>	<u>475,794</u>



OFFICE OF FEDERAL STATE AND SPECIAL PROGRAMS

FEBRUARY 20, 1975

SUMMARY

1974-75 APPROVED FUNDS AND 1975-76 PROJECTED FUNDS

	1974-1975 APPROVED FUNDS	1975-1976 PROJECTED FUNDS
<u>TITLE IV (A)</u>		
INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT	29,783	72,803
<u>TITLE IV SUB TOTAL</u>	<u>29,783</u>	<u>72,803</u>
<u>TITLE VI</u>		
PART B: OBSERVATIONAL - PRESCRIPTIVE CENTER FOR SEVERELY HANDICAPPED	271,455	279,350
PART C: TECHNICAL ASSISTANCE/RESOURCE/ TRAINING CENTER	130,231	83,400
SPECIAL STUDY INSTITUTE	10,152	
<u>TITLE VI SUB TOTAL</u>	<u>411,838</u>	<u>362,750</u>
<u>TITLE VII</u>		
BILINGUAL EDUCATION	309,604	350,000
<u>TITLE VII SUB TOTAL</u>	<u>309,604</u>	<u>350,000</u>
<u>TITLE VIII</u>		
DROPOUT PREVENTION	622,700	Funding Terminated
<u>TITLE VIII SUB TOTAL</u>	<u>622,700</u>	
<u>TITLE IX</u>		
SOUTHEASTERN MICHIGAN REGIONAL ETHNIC HERITAGE STUDY CENTER	4,000	
<u>TITLE IX SUB TOTAL</u>	<u>4,000</u>	
<u>ELEMENTARY AND SECONDARY EDUCATION ACT SUB TOTAL</u>	<u>24,505,751</u>	<u>25,633,754</u>

OFFICE OF FEDERAL, STATE AND SPECIAL PROGRAMS

FEBRUARY 20, 1975

SUMMARY

1974-75 APPROVED FUNDS AND 1975-76 PROJECTED FUNDS

	<u>APPROVED FUNDS</u>	<u>PROJECTED FUNDS</u>
<u>STATE AID ACT</u>		
CHAPTER 3	11,262,733	12,000,000
SECTION 41, CHAPTER 4 ACT 529 OF 1972		
Audio-Visual Instruction Systems Project	15,673	Funding Terminated
SECTION 45		
A Program for Academically Talented & Gifted Students		50,000
SECTION 12	809,503	700,000
STATE AID SUB TOTAL	12,085,909	12,750,000
<u>DEPARTMENT OF LABOR</u>		
<u>COMPREHENSIVE EMPLOYMENT TRAINING ACT (CETA)</u>		
134 <i>made</i> Title I (Licensed Practical Nurses)	212,183	215,000
Title I (Disadvantaged Youth Program)	2,073,500	2,500,000
Title II	2,589,150	3,000,000
Title VI (through 1-31-76)	2,500,000	3,000,000
DEPARTMENT OF LABOR SUB TOTAL	7,374,833	8,715,000
<u>DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966, AS AMENDED</u>		
MODEL NEIGHBORHOOD	900,000	Funding Terminated

OFFICE OF FEDERAL, STATE AND SPECIAL PROGRAMS

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SUMMARY

1974-75 APPROVED FUNDS AND 1975-76 PROJECTED FUNDS

	<u>1975-1975 APPROVED FUNDS</u>	<u>1975-1976 PROJECTED FUNDS</u>
<u>ECONOMIC OPPORTUNITY ACT OF 1964, As Amended</u>		
HEAD START	1,003,956	1,003,956
PARENT-CHILD CENTER	185,000	185,000
FOLLOW THROUGH	311,007	311,007
ECONOMIC OPPORTUNITY ACT OF 1964 SUB TOTAL	1,499,973	1,499,973
<u>EDUCATION PROFESSIONS DEVELOPMENT ACT</u>		
PART D	494,040	Funding Terminated
EDUCATION PROFESSIONS DEVELOPMENT ACT	494,040	
<u>ADULT EDUCATION ACT</u>		
R.E.A.D.	319,694	350,000
U.A.E.I.	60,303	75,000
QUAD COUNTY	95,000	95,000
STATE AID		
R.E.A.D.	300,034	350,000
U.A.E.I.	78,508	90,000
ADULT EDUCATION ACT SUB TOTAL	853,512	900,000
<u>VOCATIONAL EDUCATION</u>		
<u>AMENDMENTS OF 1963 (OPERATION GUIDANCE)</u>		
(OPERATION GUIDANCE)	10,000	10,000
NURSING EDUCATION	23,673	32,413
VOCATIONAL EDUCATION SUB TOTAL	33,673	42,413



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	1974-75 APPROVED FUNDS AND 1975-76 PROJECTED FUNDS	
	1974-1975 <u>APPROVED FUNDS</u>	1975-1976 <u>PROJECTED FUNDS</u>
<u>MISCELLANEOUS</u>		
WAYNE COUNTY JUVENILE FACILITIES NETWORK		
PROJECT Y.E.S.	12,000	20,000
YOUTH WORK EXPERIENCE (through 11-00-75)	<u>32,800</u>	<u>33,000</u>
JUVENILE FACILITIES NETWORK SUB TOTAL	46,000	53,000
DEPARTMENT OF EDUCATION BUDGET BILL, SECTION 23	63,872	128,000
MICHIGAN EMPLOYMENT SECURITY COMMISSION		
PROJECT W.I.N. SCHOOL SERVICE ASSISTANTS	3,729	4,000
VOCATIONAL SKILL TRAINING	<u>62,912</u>	<u>70,000</u>
MICHIGAN EMPLOYMENT SECURITY COMMISSION SUB TOTAL	66,641	74,000
MICHIGAN DEPARTMENT OF EDUCATION		
CRITERION REFERENCED TEST ITEM		
CONSTRUCTION Grades 1,4,7 and 10	30,000	
MICHIGAN DEPARTMENT OF SOCIAL SERVICES, ACT 47 of Public Acts of 1944		
MURRAY-WRIGHT Infant-Toddler CENTER PROJECT	89,385	89,385
TAU BETA CAMP		
STATE AID, SECTION 10	20,620	20,620
REHOBOTH FUND	14,000	14,000
MARCH OF DIMES	<u>1,500</u>	<u>1,500</u>
SUB TOTAL	36,120	36,120

OFFICE OF FEDERAL, STATE AND SPECIAL PROGRAMS

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SUMMARY

	1974-75 APPROVED FUNDS AND 1975-76 PROJECTED FUNDS	
	1974-1975 <u>APPROVED FUNDS</u>	1975-1976 <u>PROJECTED FUNDS</u>
<u>ENVIRONMENTAL EDUCATION ACT</u>		
DETROIT ENVIRONMENTAL EDUCATIONAL PROJECT		55,170
<u>LAW ENFORCEMENT ASSISTANCE ACT</u>		
LAW ENFORCEMENT CAREER EDUCATION		<u>270,000</u>
MISCELLANEOUS SUB TOTAL	330,999	743,665
TOTAL	<u>48,173,700</u>	<u>50,797,810</u>